

**A FOREIGN POLICY OF ABOLITIONISM: GREAT BRITAIN'S USE OF
FOREIGN POLICY TO END THE ATLANTIC SLAVE TRADE**

A Dissertation

by

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ABSTRACT

In January 1808, the United States and Great Britain officially abolished their slave trades. However, Britain took the lead in policing the Atlantic slave trade by developing a “foreign policy of abolitionism.” This foreign policy led to almost six decades of tension over enforcing anti-slaving laws and policing the trade, but if the foreign policy of abolitionism threatened Whitehall’s primary foreign policy objectives of extending British influence and markets, or, jeopardized its preexisting diplomatic relationships, abolition of the trade would be relegated to an auxiliary position. By 1842, Great Britain successfully achieved a “right of search” clause with the Texas Republic in an attempt to end Texas’ involvement in the slave trade. British officials, however, appeared unbothered by the “other slavery” in Texas, which included the intricate process of enslaving individuals among Native American groups. Instead, they focused on ending the African slave trade. During the late 1830s and early 1840s, due to continued evasion of Anglo-Spanish anti-slaving treaties, Whitehall sent David Turnbull—and ardent abolitionist—to Cuba. It was there that the foreign policy of abolitionism reached its limit when Turnbull’s abolitionist actions threatened Britain’s larger foreign policy objectives. Therefore, Turnbull lost his position as Consul. Although the United States abolished its slave trade in 1808, it did not initially sanction the deployment of an official naval squadron to hunt slavers off the coast of Africa. More importantly, the U.S. government refused to allow the British Navy the right to search American ships suspected of slave trading. Because of this, slavers used

American colors to avoid British search, but by 1839 Whitehall had grown tired of these abuses. Several international incidents led to the 1842 Webster-Ashburton Treaty, which, officially committed the United States to policing the slave trade. Because scholars have neglected the ways in which abolitionists projected their values abroad through foreign policy, this dissertation reexamines debates between Whitehall and those countries Great Britain successfully or unsuccessfully compelled into signing anti-slave-trading treaties, along with conversations from Britons and citizens in those nations. These communications illustrate the priority Britain placed on ending the slave trade during the nineteenth century.

To Grandma

All the gods, all the heavens, all the worlds, are within us. They are magnified dreams, and dreams are manifestations in image form of the energies of the body in conflict with each other. —Joseph Campbell

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As historians, we tell stories. Those narratives involve individuals or groups of them who changed history. On some occasions, those individuals even change our own trajectories. Therefore, I believe it is fitting that I have a short story of someone who changed my life monumentally. The summer before I began high school, my grandmother asked: “Where do you want to go to college?” I responded: “Grandma, I think Harvard would be great!” Of course, the next day she took me to the library to research the school. Obviously, I did not go to Harvard, but it was her encouragement and faith in my capabilities that pushed me to overcome all obstacles that were placed in my path.

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As for my family, words cannot express how much I owe them or my love for them. Last year, when both my mother and father became ill I came to the realization

that my time with them is finite. It was while hearing of their illnesses that I truly understood that. However, they never, no matter how awful they felt, faltered in their support of me. They continued to push me and encourage me when their lives seemed to be falling apart. It was that courage and bravery that continues to inspire me. My dad, one of the most intelligent and hardworking men I've ever met, demonstrated to me that you must always strive for the things you want in life, but, more importantly and unlike him, that I must find something I love to do for a career. My mother, while it took time for her to understand what I was doing in school, is the most fiercely independent and strong woman that I've ever met. She taught me to respect myself, so that I could in turn learn how to respect others. I'm very lucky to call her mom.

Since I started this with a story, I must end it with one. After being accepted to the Doctoral Program at A&M, my grandmother was the first person I called to tell. She, of course, was ecstatic for me because over the years it had become a dream to earn my doctorate. Unfortunately, before I was able to start the program she unexpectedly passed, which left a major hole in my life. She was the person I talked to about everything, put me in my place when I needed it, and gave her unwavering support in my attempt to achieve my dreams. I was never able to truly mourn her loss because, in the bustle of beginning a new graduate program, I did not have the opportunity. I couldn't leave or take time off because she wouldn't've wanted that. Therefore, even though she can never be replaced, finishing this dissertation in her honor, I believe, will help me cope, become a lasting tribute to her memory, and so, quite possibly fill some of that hole her loss left behind.

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CHAPTER I

INTRODUCTION

Historical interest in the rise and subsequent success of abolitionism has preoccupied scholars from a wide range of disciplines. British abolition of the Atlantic slave trade and the eventual emancipation of its some 800,000 slaves are at the center of that global history. Yet, as historian David Eltis noted, new interest in the abolition of slave trading “has [not] generated [any] new grand explanatory paradigms to match those of Eric Williams and David Brion Davis from an earlier era.”¹ Although this recent attention to the slave trade has not produced a fundamental reinterpretation of why the trade ended, they have provided a much more detailed picture of the inner-workings of the slave trade. Specifically, these studies illuminate the ways in which the enslaved contributed to the trade’s abolition, class differences in attitudes toward the trade, and the mechanisms—primarily British—employed to enforce the ending of the trade.² But these inquiries have thus far paid little attention to the role abolition of the transatlantic slave trade and abolitionism played in British foreign policy. Recent scholarship has

¹ David Eltis, “Was Abolition of the U.S. and British Slave Trade Significant in the Broader Atlantic Context?,” *William and Mary Quarterly* 66, 3d Series, no. 4 (October 2009), 717. To examine the paradigms, see Eric Williams, *Capitalism and Slavery* (Chapel Hill, North Carolina: University of North Carolina, 1994, 1944); David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (New York: Oxford University Press, 1999).

² For works describing non-elite participation in abolitionism, see Emma Christopher, *Slave Ship Sailors and Their Captive Cargoes, 1730-1807* (Cambridge, New York: Cambridge University Press, 2006); Eric Robert Taylor, *If We Must Die: Shipboard Insurrections in the Era of the Atlantic Slave Trade* (Baton Rouge, Louisiana: Louisiana State University Press, 2006); Marcus Rediker, *The Slave Ship: A Human History* (New York: Viking: 2007). Several studies examine the Royal Navy’s efforts to police the slave trade, such as Christopher Lloyd, *The Navy and the Slave Trade: The Suppression of the African Slave Trade in the Nineteenth Century* (London: Frank Cass & Co., 1968); Raymond Howell, *The Royal Navy and the Slave Trade* (New York: St. Martin’s Press, 1987); Peter Grindal, *Opposing the Slavers: The Royal Navy’s Campaign Against the Slave Trade* (London: I.B. Tauris, 2016).

emphasized that “slavery shaped American foreign policy” just as much as “American democracy and American capitalism.”³ More importantly, Southern slaveholders developed and vigorously pursued a coherent “foreign policy of slavery” in the nineteenth century.⁴ While it appears abundantly clear U.S. slaveholders did this, we must remember that abolitionists were busily erecting and articulating their own foreign policy at the same time. This is a history of their efforts to undermine the “foreign policy of slavery.” This dissertation therefore represents one of the first scholarly inquiries into what we might think about as Britain’s “foreign policy of abolitionism.”⁵ But, just as important, the project grapples with the limitations placed on Great Britain’s nineteenth-century foreign policy of abolitionism. Therefore, a reexamination of debates taking place between Whitehall and those countries Britain successfully or unsuccessfully coerced into signing anti-slave-trading treaties, combined with communications from Britons and citizens in those nations, demonstrates the priority Great Britain placed on ending the slave trade and, more generally, the significance of an abolitionist impulse in its foreign policy. This reevaluation also illustrates the constraints placed on the foreign policy of abolitionism by the British Foreign Office, commonly known as Whitehall, when it came into conflict with other and competing foreign policy objectives throughout the nineteenth century.

³ Robert Kagan, *Dangerous Nation* (New York: Alfred A. Knoff, 2006), 185, 182.

⁴ Kagan, *Dangerous Nation*, 181-223; Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, Mass.: Harvard University Press, 2016),

⁵ Andrew Preston, *Sword of the Spirit, Shield of Faith: Religion in American War and Diplomacy* (New York: Alfred A. Knoff, 2012); Edward P. Carpol, “John Tyler and the Pursuit of National Destiny,” *Journal of the Early Republic* 17, no. 3 (Autumn 1997), 467-491.

Confronting a Lucrative Institution: Abolitionism in Great Britain

To understand how abolition of the slave trade and abolitionism transformed into a distinct set of foreign policy goals in Great Britain, it is important to examine the events that catapulted the two issues to the forefront of Great Britain's national politics. The *Somerset* case in 1772 outlawed slaveholding in Britain and prompted the initial challenge to slavery in Britain. In addition to this court case, the American War of Independence threatened slavery, because the war reoriented the ways in which abolitionists employed anti-slavery rhetoric and organizing. It was not until the American Revolution's conclusion that abolitionism truly began to flourish in Britain, with the appearance of the first national anti-slavery campaign. Yet, British abolition of its own Atlantic slave trade in 1807 was the first instance in which abolitionist advocates witnessed concrete evidence of abolitionism's influence. During the Napoleonic Wars, Great Britain exercised its powers as a belligerent, thereby allowing the Royal Navy to stop and search other nations' ships. If British cruisers came across slaving vessels they applied Britain's abolition laws, which prompted crews to confiscate slave ships and their human cargo. Once the Napoleonic Wars ended, abolitionism gained a major impetus when the Congress of Vienna condemned the slave trade. These incidents combined with abolitionists' shift from their initial goal, universal abolition of slavery, to a more focused agenda of ending the slave trade, led to the development of Great Britain's foreign policy of abolitionism. Ultimately, this new development prompted Britain to expand its slave trade policing efforts, but also marked the beginning of Great Britain aggressively seeking to enforce an anti-slave-trading policy with other nations.

Their efforts eventuated in the complete abolition of the Atlantic slave trade.

In 1772, with the Anglo-American conflict looming, Granville Sharp, an innovative British abolitionist, won the highly publicized *Somerset* case. It was seen by abolitionists in both America and Britain as the official prohibition of slavery in Great Britain. Although Chief Justice Mansfield's decision was much narrower, this case represents an important step in the abolitionist movement because its mass publicity illustrated how difficult it would become to protect the property rights of slaveholders in Britain itself.⁶ In addition, at this time Sharp began communicating with early American abolitionists, such as Anthony Benezet, who compiled several anti-slavery pamphlets.⁷

The American Revolution is also of great importance to the evolution of anti-slavery sentiment in Britain. The conflict of the 1760s and 1770s focused an extraordinary amount of attention on the "moral character of colonial institutions and imperial practices."⁸ In North America, the revolt against imperial power nurtured a novel interest in exhibitions of separate and communal virtue. In Britain, it produced efforts to improve and rationalize the increased use of authority over the North American colonies. While the American Revolution was not the genesis of abolitionism in Britain,

⁶ Mansfield's adjudication only freed James Somerset, who was forcibly placed on a ship destined to Jamaica because there was no British law that allowed the use of such coercion or the forcible export of a slave for sale abroad. In all actuality, planters continued to bring their slaves to Britain well into the 1820s where the Somerset decision did not apply. Davis, *Problem of Slavery in the Age of Revolution*, 499-500.

⁷ For a recent, interesting account of the British abolitionist Granville Sharp and the American abolitionist Anthony Benezet and their relationship, see Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2006).

⁸ Brown, *Moral Capital*, 27. For an early view of the internal conflict between British abolitionist and the Royal African Company, see William A. Pettigrew, *Freedom's Debt: The Royal African Company and the Politics of the Atlantic Slave Trade, 1672-1752* (Chapel Hill: The University of North Carolina Press, 2013).

it did alter the political and cultural significance of anti-slavery organizing. The schism within the empire augmented the methods by which abolitionist activists utilized anti-slavery opinion and heightened the status of anti-slavery initiatives.⁹

Sharp also demonstrated the brutality of the Middle Passage. He did this with the aid of free Africans Ottobah Cugoano and Olaudah Equiano, who revealed the details of the 1781 *Zong* case.¹⁰ In 1783, British Quakers organized two committees to promote the abolition of the slave trade by presenting petitions to Parliament, along with disseminating articles to men of prestige. By this point an expanding moral concern over the Atlantic slave trade saw the creation of Britain's Society for Effecting the Abolition of the Slave Trade (SEAST) in 1787. Although SEAST was a pioneering association, it represented an expansion of older Quaker committees, which included a few Anglicans, such as Sharp and Thomas Clarkson. While Granville Sharp favored a direct assault on the slave system, reformers made a significant strategic decision to focus almost exclusively on the slave trade. They did this under the assumption that if the trade were to end, planters would inevitably be obliged to take better care of their slaves, which would move them in the direction of emancipating their enslaved labor force.¹¹ Britain's loss of the influential American South also bolstered British abolitionists' hopes that their goal would succeed because of the absence of southern slaveholders' objections to

⁹ Davis, *Problem of Slavery in the Age of Revolution*, 213-54; David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (Oxford, England: Oxford University Press, 2006), 234

¹⁰ The owner of the slave ship *Zong* tried to claim the insurance payoff for 133 slaves who had been thrown overboard in response to the captain's orders after an epidemic had killed sixty Africans and seventeen crew members. Brown, *Moral*, 283-84.

¹¹ Davis, *Inhuman Bondage*, 2334-5; Davis, *Problem of Slavery in the Age of Revolution*, 219-42, 403-36; Roger Anstey, *The Atlantic Slave Trade and British Abolition, 1760-1810* (Atlantic Highlands, N.J.: Humanities Press, 1975).

end the slave trade.

As regional abolitionist organizations began to form in Great Britain, 1788 proved to be a watershed moment for the push to abolish the slave trade. The first national petition campaign began that year. In Manchester, in December 1787, 10,639 men, a substantial number of Manchester's eligible male voters, signed a petition against the slave trade. Women also represented a meaningful proportion of the subscribers and sponsors of the national campaign. The next year, total signatures reached close to one hundred thousand.¹² Also in 1788, Prime Minister William Pitt, after hearing of the appalling conditions on slave ships, successfully presented and passed a bill in the House of Commons, over intense opposition from the House of Lords, that limited the number of captives that could be carried on a slave ship (per ton).¹³

In 1789, William Wilberforce presented resolutions against the slave trade to the House of Commons, provoking the first heated Parliamentary debate over ending the trade. Wilberforce continued to argue his case in 1790 and 1791, emphasizing atrocities associated with the traffic. In addition, a Select Committee of the House of Commons began examining eyewitness accounts and evidence presented to the investigative commission.¹⁴ Procrastination over dealing with the slave trade in the Parliament in 1789 and the electoral defeat of 1791 saw the government receive 519 anti-slave-trade or anti-

¹² Seymour Drescher, *Capitalism and Antislavery: British Mobilization in Comparative Perspective* (New York: Oxford University Press, 1987), 67-88; J.R. Oldfield, *Popular Politics and the British Anti-Slavery: The Mobilization of Public Opinion Against the Slave Trade, 1787-1807* (Manchester, U.K.: 1995), 46-54, 113-19, 130, 137; Clare Midgley, *Women Against Slavery: The British Campaigns, 1780-1870* (London: Routledge, 1992); Clare Taylor, *Women in the Anti-Slavery Movement: The Weston Sisters* (London: Palgrave Macmillan, 1995).

¹³ Robin Blackburn, *The Overthrow of Colonial Slavery, 1776-1848* (London: Verso, 1988), 141.

¹⁴ Drescher, *Econocide* and Davis, *Problem of Slavery in the Age of Revolution*.

slavery petitions, containing some 390,000 signatures in 1792.¹⁵ In 1796, Wilberforce succeeded in convincing the House of Commons to abolish the slave trade, due in large part to the mass-mobilization of the British population in 1792. Nevertheless, the bill collapsed in the more conservative House of Lords, which continued to delay discussions regarding the topic. Then, beginning in 1793, abolitionists experienced an almost fatal setback from the ideological effects of the French Revolution, the Reign of Terror, and the outbreak of war with France. At this time, Great Britain, while fighting in the Caribbean, attempted to preserve or reestablish black slavery, especially in revolutionary Guadeloupe, Martinique, and Saint-Domingue.¹⁶

By 1804, however, anti-slave trade activism experienced a reawakening; Napoleon's unexpected restoration of slavery and the slave trade made abolition compatible with patriotic animosity towards the French. At this time, the House of Commons passed an abolition bill proposed by Wilberforce, but William Pitt's cabinet suspended the debate in the House of Lords. However, abolitionists, led by James Stephen, astutely observed that they could divide the West India interest by concentrating on the British slave trade to foreign colonies, which at the time represented a large proportion of total British commerce. In 1805, Prime Minister Pitt issued an Order-in-Council officially banning the slave trade to foreign colonies, such as

¹⁵ Blackburn, *The Overthrow of Colonial Slavery*, 144.

¹⁶ Davis, *Inhuman Bondage*, 236. To see how the war with France and the French Revolution played out in the French Caribbean, see Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787-1804* (Chapel Hill, N.C.: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Va., by the University of North Carolina Press, 2004) and Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2004).

Trinidad, which Great Britain had seized in 1797, and where entrepreneurs enthusiastically yearned to cultivate a major plantation society. Finally, in 1806 abolitionists achieved their first great victory by skillfully “conceal[ing] all *humanitarian* motives.” They instead “pushed hard for a Foreign Slave Trade Bill in terms of national and military self-interest” due to continued warfare with France.¹⁷ Therefore, when activists linked abolition of a lucrative branch of the slave trade to national interests, abolitionists set the stage for the complete abolition of the British slave trade in 1807.¹⁸ Ultimately, after the Slave Trade Act of 1807 passed both House of Lords and House of Commons it became illegal, after January 1, 1808, for British ships or citizens to participate in the Atlantic slave trade. This coincided with the United States’ official abolition of the transatlantic slave trade.

After accomplishing one of the most important victories for the abolitionist movement, Britain continued its crusade to end the slave trade. Once the Napoleonic Wars concluded, abolitionists received support from an extra-parliamentary movement, which sent 774 petitions to Whitehall insisting that Britain compel France and other maritime nations to abolish their slave trades.¹⁹ However, the conservative Congress of Vienna decided to issue a superficial and ineffective condemnation of the trade in

¹⁷ Quotes from this sentence and the preceding located in Davis, *Inhuman Bondage*, 236.

¹⁸ Davis, *Problem of Slavery in the Age of Revolution*, 445. Although the British Parliament abolished the Atlantic slave trade for the Britain, recent scholarship has illustrated the continued involvement of British citizens in the Atlantic slave trade. Marika Sherwood, *After Abolition: Britain and the Slave Trade Since 1807*, Library of International Relations Ser. (London: I.B. Tauris, 2007).

¹⁹ Blackburn, *The Overthrow of Colonial Slavery*, 320.

1815.²⁰ Ultimately, this perfunctory denunciation by the Congress did not hinder Whitehall's efforts to end the slave trade. By this point, its foreign policy of abolition had received broad support from both Whigs and Tories in each chamber of Parliament, which firmly established abolitionism in the British government. Therefore, Britain's foreign policy of abolitionism was well in place, which Great Britain employed to negotiate several anti-slaving-treaties with other nations that reduced the number of African slaves shipped to the New World and eventually culminated in the end of the transatlantic trade.²¹

Because Great Britain developed and utilized a foreign policy of abolitionism, my dissertation aims first to determine how nations responded to this foreign policy, specifically the abolition of the Atlantic slave trade, in their diplomatic relations and negotiations. It also seeks to determine whether this specific type of foreign policy succeeded by examining if countries conceded to British demands. This dissertation will also examine the circumstances under which Whitehall placed limits on the foreign policy of abolitionism through orders or reprimands given to British representatives. It will pay particular attention to both official and private correspondences between Britons abroad and the British government, along with messages sent from foreign nations'

²⁰ The Congress of Vienna was a gathering of European statesmen, held from September 1814 to June 1815 in Vienna. The objective of the Congress was to administer the peace plan for Europe by resolving problems stemming from the French Revolutionary Wars and the Napoleonic Wars.

²¹ For a specific understanding of how British abolition affected France, France's abolition movement, and joint operations dealing with suppressing the slave trade, see Lawrence C. Jennings, *French Anti-Slavery: The Movement for the Abolition of Slavery in France, 1802-1848* (Cambridge, UK: Cambridge University Press, 2000) and Paul Michael Kielstra, *The Politics of Slave Trade Suppression in Britain and France, 1814-48: Diplomacy, Morality and Economics* (New York, N.Y.: St. Martin, 2000). For a study of the negotiations and treaties between Britain and other nations, see Eltis, *Economic Growth* and Lauren Benton, "Abolition and Imperial Law, 1790-1820," *The Journal of Imperial and Commonwealth History* 39, no. 3 (September 2011): 355-74.

representatives to Whitehall, as well as between consuls stationed on the ground overseas. Although abolitionism achieved a major objective in 1808 when Great Britain and the United States abolished their Atlantic slave trades, the early and mid-nineteenth century witnessed an explosion in the trade even after anti-slave trade activism's successes and Great Britain's campaign to police the trade. The British Empire was the primary actor in influencing other nations to abolish their trades, and thus successfully ending the African slave trade in the Atlantic. Therefore, it is imperative to understand how Whitehall applied its foreign policy of abolitionism in international and diplomatic negotiations.

Terminology/Historiography

As stated, this project will examine responses to Great Britain's use of a foreign policy of abolitionism and an international diplomacy connected to the slave trade. The dissertation will assess whether it was a success or not, and explore what limits, if any, were placed on this policy by Whitehall. Although any discussion of the slave trade requires a detailed discussion of the litany of works examining Britain's abolition of the Atlantic slave trade and emancipation of their slaves, it is necessary to define the foreign policy of abolitionism. Borrowing from Robert Kagan's study, *Dangerous Nation*, detailing America's development of a "foreign policy of slavery," Matthew Karp's recent work, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy*, argues that throughout the antebellum decades Southern slaveholders "organized

U.S. foreign relations around a...foreign policy of slavery.”²² I agree with both their arguments, but assert that abolitionists during that period also constructed their own foreign policy. Because abolitionism had successfully infiltrated Great Britain’s government and ended their slave trade, it was there that abolitionists in power constructed a foreign policy of abolitionism.²³ Like the fractious promoters of America’s foreign policy of slavery, the abolitionists and Whitehall frequently disagreed and quarreled over how far Britain’s foreign policy of abolitionism would go. These clashes more often than not revolved around the potential threat abolitionism represented to Great Britain’s larger foreign policy goals of extending their markets or influence. Ultimately, Whitehall placed a limit on its foreign policy of abolitionism because, although abolitionism was important, it was never more so than market penetration, commercial expansion, and the maintenance of long-established international relationships. Yet the leaders of the British government did establish abolitionism as a major foreign policy objective, even if it was a secondary goal compared to others, such as expanding influence and markets, and maintaining established diplomatic relationships.

Over the last 200 years, methodological approaches and theoretical frameworks concerning the study of the transatlantic slave trade have been transformed. Works following the abolition of the trade praised the humanitarianism of British efforts.²⁴ They

²² Kagan, *Dangerous Nation*, 181-223; Karp, *This Vast Southern Empire*, 7.

²³ Karp, *This Vast Southern Empire*, 7.

²⁴ For an example of this interpretation, see Reginald Coupland, *The British Anti-Slavery Movement* (Boston: Lowell Institute, 1933).

also illustrated for reformers how British anti-slavery activism demonstrated the feasibility of conquering the forces, in the words of David Brion Davis, of “greed, tyranny, and the most *unambiguous* symbol of man’s inhumanity to man.”²⁵

Nonetheless, historians by the early twentieth-century began to question the idea that humanitarian resolve had been the engine powering abolition. Here lay the first shift in the study of the Atlantic slave trade.

Early studies focused primarily on the notion that the British abolished the slave trade and emancipated their slaves due to slavery’s diminishing profitability. They examined British economics before, during, and after the abolition of the slave trade and the emancipation of Britain’s slaves. The first major authors to dispute these earlier arguments were Lowell Joseph Ragatz, C. L. R. James, and Eric Williams. Ragatz’s 1928 study, *Fall of the Planter Class in the British West Indies*, suggested that a period of irreparable economic decline began in 1763, which was a factor and further cause of inefficient slave labor, white population loss, chronic indebtedness, soil exhaustion, and plantation bankruptcies.²⁶ James’s 1938 monograph, *The Black Jacobins: Toussaint L’ouverture and the San Domingo Revolution*, asserted that the slave trade and the slave colonies, particularly the British West Indies, afforded an important portion of the markets along with the capital that made British economic expansion possible.²⁷ Yet, James argued, by the late eighteenth century the British slave system was waning. Soil

²⁵ Davis, *Inhuman Bondage*, 239.

²⁶ Lowell Joseph Ragatz, *Fall of the Planter Class in the British West Indies* (New York: Century Company, 1928).

²⁷ C L R James, *The Black Jacobins: Toussaint L’ouverture and the San Domingo Revolution*, 2d ed. (New York: Vintage Books, 1989, 1963, 1938).

exhaustion, competition from the French West Indies, and the interruption of the trade—beginning with the British North American colonies’ push for independence—further decreased the position of the English-speaking Caribbean in the British economy. Furthermore, the British industrial sector had developed to the point where it needed more markets than the slave colonies could deliver and, in addition, was no longer reliant on revenue from the slave system for its capital demands. Britain’s attack on forced labor could, James maintained, therefore be seen as the first attack on trade barriers that kept the British sugar markets open for British plantations, which in turn restricted trade with other countries.

Eric Williams’ 1944 work, *Capitalism and Slavery*, became the most influential of these works.²⁸ He made three broad points. First, he insisted that European merchant capitalism produced the enormously profitable New World plantation system, which was itself driven by the Atlantic slave trade. According to Williams, earnings from the slave trade or from the overseas slave system as a whole supplied most of the capital that financed the British Industrial Revolution. Williams’ second conclusion, like James,’ supposed that the American Revolutionary War began a phase of irrevocable economic deterioration in the British Caribbean. This in turn stimulated Britain’s pivotal transition from mercantilism toward laissez-faire capitalism. Lastly, he argued that by the late eighteenth century, Britain’s slavery had become an inefficient labor system, the white population had begun to leave plantation colonies, chronic indebtedness ran rampant in colonial societies, soil exhaustion was widespread, and plantation bankruptcies occurred

²⁸ Williams, *Capitalism and Slavery*.

often. Accordingly, these fountains of wealth were merely maintained by mercantilist duties or appropriations that caused continual overproduction of goods for the protected British market. Although Williams recognized that a “brilliant band” of abolitionists were successful in directing one of the “great propaganda movements of all time,” he postulated that in the broadest terms, slavery was doomed by more impersonal forces: the broader transition from mercantile to industrial capitalism and free trade.²⁹ Moreover, the government’s reasons for supporting an end to the trade were settled by the fact that British planters could no longer contend with Cuban and Brazilian sugar in foreign markets and that their level of production had to be reduced to the level of “home consumption.”³⁰ Williams maintained that sentimental history should not be permitted to obfuscate the fundamental truth that “overproduction in 1807 demanded abolition; overproduction in 1833 demanded emancipation.”³¹

There has been significant research done to validate Williams’ conclusion that slave labor proved crucial for the swift European colonization and development of the New World. It also appears as though the growth of the slave plantation system from fifteenth century Sicily, Madeira, and Sao Tome to nineteenth century Cuba, Brazil, and North American provided at least some of the capital required to promote economic growth in both Europe and America.³² Therefore, this widely accepted ‘decline thesis’

²⁹ Williams, *Capitalism and Slavery*, 179, 178.

³⁰ Williams, *Capitalism and Slavery*, 153.

³¹ Williams, *Capitalism and Slavery*, 152.

³² Stanley L. Engerman, “The Slave Trade and British Capital Formation in the Eighteenth Century: A Comment on the Williams Thesis,” *Business History Review* 46, no. 4 (Winter, 1972), 430-443; Roger T. Anstey, “*Capitalism and Slavery: A Critique*,” *Economic History Review* 21, series 2 (August, 1968), 307-20; Robert Paul Thomas and Richard Nelson Bean, “The Fishers of Men: The Profits of the Slave Trade,”

drove the scholarship of the slave trade and slavery for many years. In the late-1970s and the 1980s, scholars began to reevaluate, yet again, the reasons behind the abolition of the slave trade and the emancipation of the slaves. Economic historians led the way by utilizing highly sophisticated statistical evidence to demonstrate that at the time of British abolition, the slave trade and the institution of plantation slavery were prosperous. Moreover, they discovered, neither the slave trade nor the plantation system as a whole provided the lion's share of the capital that financed the Industrial Revolution.³³ Although Williams' first proposition has been validated to a certain extent, his second hypothesis, regarding the end of the British slave trade and slave emancipation, triggered the most animated debates. Because Williams' "decline thesis" had gained such wide acceptance by the 1970s a sequence of statistical studies by Roger Anstey, Seymour Drescher, and David Eltis reevaluated the economic association between antislavery and capitalism.³⁴

Anstey's 1975 work, *The Atlantic Slave Trade and British Abolition, 1760-1810*, illustrated that by every economic measure, 1807 was the worst time for Britain to abolish its slave trade. At that stage in the Napoleonic Wars, the British Empire needed

Journal of Economic History 34, no. 4 (December, 1974), 885-914; William A. Darity Jr., "A General Equilibrium Model of the Eighteenth-Century Atlantic Slave Trade: A least-likely test for the Caribbean School," *Research in Economic History* 7 (1982), 287-326; Barbara L. Solow, "Caribbean Slavery and British Growth: The Eric Williams Hypothesis," *Journal of Development Economics* 17 (1985), 99-115; John J. McCusker and Russell R. Menard, *The Economy of British America, 1607-1789*, Needs and Opportunities for Study Series (Chapel Hill: Published for the Institute of Early American History and Culture by the University of North Carolina Press, 1985); Seymour Drescher, *From Slavery to Freedom: Comparative Studies in the Rise and Fall of Atlantic Slavery* (New York: New York University Press, 1999), 365.

³³ Drescher, *Econocide* and Eltis, *Economic Growth*.

³⁴ Roger Anstey, *Atlantic Slave Trade and British Abolition*; Drescher, *Econocide*; Drescher, *Capitalism and Antislavery*; and Eltis, *Economic Growth*.

all the export markets not held in enemy hands to help the British finance the continued war effort. His monograph also demonstrated how in the early nineteenth century, the British West Indies' portion of total oceanic trade was larger at that time than it had been at any point in the eighteenth century.³⁵

Seymour Drescher's 1977 *Econocide: British Slavery in the Era of Abolition* argued that abolition of the slave trade was equivalent to "committing suicide for a major part of Britain's economy."³⁶ Drescher's study demolished the commonly held assumption that the British slave system had deteriorated in value before Parliament abolished the slave trade. Utilizing statistics on overseas trade, Drescher demonstrated that the value of British West Indian exports to Great Britain and imports in the West Indies from Britain had risen rapidly from the 1780s to the end of the eighteenth century. He also illuminated how the British West Indies' portion of the total British overseas trade increased to great heights in the early nineteenth century and did not begin to fall until long after Parliament denied the colonies any new deliveries of African labor.

Following his assessment of the cost-effectiveness of the slave trade, which afforded roughly ten percent return on investments, and the rising value of the British West Indies, Drescher asserted that the British slave system was becoming more, not less, profitable at the onset of the nineteenth century.³⁷ The 1807 Abolition Act was instituted at a period when Britain not only had the world's highest plantation output, but also had the ability, as a result of naval power and the wartime acquisitions of Trinidad,

³⁵ Anstey, *Atlantic Slave Trade and British Abolition*.

³⁶ Drescher, *Econocide*, xv and Davis, *Inhuman Bondage*, 241.

³⁷ Drescher, *Econocide*, 30.

Demerara, Berbice, and Essequibo, to virtually dominate the slave trade and obtain the preeminent share of the world market's coffee and sugar crops. Unlike Ragatz's assertion that the slave system was made from "old soil, old habits, old techniques," Drescher insisted that "the British slave system was young...[and] it seemed so to contemporaries."³⁸ As for arguments about soil exhaustion, grievances surfaced as early as the 1660s, and soil erosion was never continuous. In the end, areas with plantations, similar to other agricultural territories, underwent sequences of soil exhaustion and rejuvenation.

Yet, as David Brion Davis asserts, Drescher's work lacked a sufficient explanation of the difference between an imbalanced economy and economic decline, along with sufficient differentiation between profitability and economic expansion from the organizational shortfalls and social destitution of the British slave colonies. In the majority of these regions, most British and other entrepreneurs fervently pursued, at bare minimum, a small fortune upon which they could return home. Due to their economic desires, David Brion Davis argues, they gave little thought to schools, churches, urban centers, religious and social services, economic diversification, or even the growth of food.³⁹ Still, Drescher's study weakened a fundamental piece of Williams's thesis. His next study, *Capitalism and Antislavery: British Mobilization in Comparative Perspective*, combined with David Eltis' work, *Economic Growth and the Ending of the*

³⁸ Drescher, *Econocide*, 162, 163.

³⁹ Davis, *Inhuman Bondage*, 242.

Transatlantic Slave Trade, chipped more away from William's arguments.⁴⁰

Eltis' main argument was that slave labor on the plantations of the New World and Indian Ocean reached a level of supreme economic significance during the half-century between 1816 and 1865 following Britain and the United States' abolition of their transoceanic slave trades. Throughout that period Britain used about twelve million pounds in its marginally successful attempt to suppress the international slave traffic by patrolling the African coasts, attacking African trading posts, bribing and strong-arming other countries into signing anti-slave trade treaties, confiscating alleged slave ships, and even directing cruisers to assault vessels in Brazilian waters.⁴¹

According to Eltis, before the British slave trade ended slavery had become more valuable to the Atlantic economy than ever. Between 1785 and 1805, European economic growth soared to unprecedented heights, which created demand for consumer goods such as sugar, coffee, tobacco, and cotton textiles, all of which could be generated inexpensively by slaves. Britain alone saw sugar consumption rise 80 percent during the same years, along with cotton imports quadrupling in spite of rising prices. The inundated markets of slave-produced goods that Ragatz and Williams discovered were only artificial and short-lived. Also, Britain's burgeoning textile industry would not have continued to survive without a continuing supply of cotton, most of which was produced by slaves until 1865.⁴²

By the onset of the nineteenth century Britain controlled fertile, unfarmed lands

⁴⁰ Drescher, *Capitalism and Antislavery* and Eltis, *Economic Growth*.

⁴¹ Eltis, *Economic Growth*, 7-8, 138-41.

⁴² Eltis, *Economic*, 3-61.

in Jamaica and their recently acquired colonies of Trinidad and Demerara. At this time, Jamaica alone was shipping five times as much coffee as Cuba and Rio de Janeiro combined; even with a wholly inadequate supply of slaves, Demerara emerged as a major source of cotton for the British textile market.⁴³ In fact, Britain's need for U.S. cotton would have diminished if British Guiana had been allowed to supply Demerara with more slaves.⁴⁴

Eltis also argued that “for Americans as well as for Britain at the onset of industrialization, there was a profound incompatibility between economic self-interest and antislavery policy.”⁴⁵ After 1838, British leaders realized with disappointment that the newly free black laborers were reluctant to consent to the harsh plantation punishments and working environments that had allowed sugar cultivation to become an extremely lucrative investment. In an attempt to keep the plantations of British Guiana, Trinidad, and Jamaica afloat, after the apprenticeship period ended in 1838, Britain first resorted in 1840 to making “contracts” with former slaves. Abolitionists quickly put a stop to this maneuver, which forced Britain in 1843 to try to convince the American government to engage in a program that transported free black Americans to the British West Indies. Once this proposition collapsed, the British ultimately turned to Asian immigrants as a remedy for their labor shortages. Although these hundreds of thousands of East Indian “coolies” who made their way to Trinidad and British Guiana eventually increased production, they were never able to successfully restore the British colonies to

⁴³ Eltis, *Economic Growth*, 40, 5.

⁴⁴ Eltis, *Economic Growth*, 5.

⁴⁵ Eltis, *Economic Growth*, 15.

their former prosperity and competitive advantage.⁴⁶

Along with illustrating the high economic return of the slave trade and slavery, the studies of the 1980s and 1990s were attempting to uncover the number of slaves transported from Africa throughout the trade's existence. While this task can never truly be completed, researchers were able to construct a very detailed account of the number of African slaves shipped from Africa. Herbert S. Klein, David Eltis, Stephen Behrendt, and David Richardson compiled thousands of records pertaining to slave trade voyages into the Tran-Atlantic Slave Trade CD-ROM, which has subsequently been published online.⁴⁷

After the compilation of these voyages, other scholars redirected their focus once again, this time to study Africa and the relationship the continent had with the slave trade. Although his work was written at a time when authors such as Seymour Drescher, David Brion Davis, David Eltis, and others were debating the 'decline thesis,' along with analyzing the number of slaves transported from Africa, Patrick Manning's *Slavery, Colonialism and Economic Growth in Dahomey, 1640—1960* shifted focus from the Caribbean and Europe to Africa.⁴⁸ Manning's monograph investigated the social, economic, and political impact of slavery on Dahomey. He asserted that in the eighteenth century the "commodity exchange mode of production dominated the

⁴⁶ For a work that discusses the use of "coolies" after the abolition of slavery in the British Empire, see Moon-Ho Jung, *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation* (Baltimore: Johns Hopkins University Press, 2006).

⁴⁷ <http://www.slavevoyages.org>

⁴⁸ Patrick Manning, *African Studies Series*, vol. 30, *Slavery, Colonialism and Economic Growth in Dahomey, 1640-1960* (Cambridge, United Kingdom: Cambridge University Press, 2004, 1982).

economy.”⁴⁹ Even though the trade in slaves was so pervasive that every level of society was drawn into it, people still manufactured their own goods for sale, unloaded them into the local markets, and bought a large percentage of the items they used. These commodities included food, manufactures, raw materials, and luxuries. Even as slavery began to be more integrated into the international market and became a major institution, commodity exchange continued to dominate. However, Manning maintained that by the nineteenth-century, European expansion into Africa had become so significant that capitalism dominated by the end of the century. For him, commodity exchange, even though the sale of slaves was at times a major factor, was the linchpin of the Dahomey economy, which he insists is why the economy expanded over three centuries, even with the mass depopulation and export of tax revenues.

Joseph Miller’s 1988 work, *Way of Death: Merchant Capitalism and the Angolan Slave Trade, 1730-1830*, continued the same mode of inquiry as Manning’s monograph by focusing on the Angolan trade and its impacts on African society.⁵⁰ Miller’s study contends that the slave traffic connected to northern Europe, which had the “capacity for material production [that] exceeded its home market’s ability to consume,” and west central Africa, where children were “bore at rates that exceeded the long-term capacity of ...agriculture to feed,” was a result of the eighteenth century need to fill labor and supply vacuums created by the expansion of the Atlantic world.⁵¹ He

⁴⁹ Manning, *Slavery, Colonialism and Economic Growth*, 43.

⁵⁰ Joseph Calder Miller, *Way of Death: Merchant Capitalism and the Angolan Slave Trade, 1730-1830* (Madison, Wis.: University of Wisconsin Press, 1988).

⁵¹ Miller, *Way of Death*, 674.

also demonstrates how the yearly number of slave embarkations was moderate compared to the total population and that they probably had a small numerical impact, but the effect on African societies was enormous. The trade altered sex ratios and created more rigid social hierarchies, political centralization, and new systems of slavery. It also encouraged “materialist individualism” in African societies that had formerly valued people above material and financial gain.⁵² Due to the consolidation of the trade, a slaving frontier arose, which saw the eastward drive being dominated by warfare. Nevertheless, the frontier’s development was punctuated with bouts of peace, which permitted trading networks to consolidate. In the end, these societies were overwhelmed by this expansion and were transformed, which caused their elites to become devoted to the “production” of slaves and reliant on credit.⁵³

By the mid-1990s and early 2000s, another major historiographical shift occurred. This new method of analysis gave rise to Atlantic World studies. John Thornton’s study, *Africa and Africans in the Making of the Atlantic World, 1400-1800*, led the way in bringing several strands of existing scholarship into discussion with one another by exploring the role in which Africa and Africans played in the larger construction of the Atlantic world.⁵⁴ Most importantly, he asserted that instead of being passive victims, “Africans were active participants in the Atlantic world, both in African trade with Europe (including the slave trade) and as slaves in the New World.”⁵⁵

⁵² Miller, *Way of Death*, 206.

⁵³ Miller, *Way of Death*, 105-39.

⁵⁴ John K. Thornton, *Africa and Africans in the Making of the Atlantic World, 1400-1800*, 2nd ed., Studies in Comparative World History (Cambridge: Cambridge University Press, 1998).

⁵⁵ Thornton, *Africa and Africans*, 6-7.

Moreover, the Atlantic trade was not economically crucial for the well-being nor the development of Africa because the large majority of goods exchanged were luxury ones; instead, Africa possessed a much more diversified and industrial economy, with European goods having only a minimal effect on preexisting African industries. His work also illustrates that Europeans were not militarily capable of compelling African leaders into conducting any type of trade they did not wish to. Therefore, any trade Africans were a part of was a product of their own willingness to do so. He argued that African slaves' influence on the Atlantic world was two-fold. First, their labor contributed to the growth of the Atlantic economy. Furthermore, Africans' assimilation into the Atlantic world added to the recently formed culture through language, aesthetics, and philosophy. Ultimately, neither Africa nor Africans were docile bystanders who contributed nothing to the development and expansion of the Atlantic world; they were functioning cogs in a much larger apparatus.

Sylviane Diouf's collection of essays further expounds on how African populations resisted the slave trade, which she divides into three subcategories: defensive strategies, protective strategies, and offensive strategies. In most situations, defensive strategies involved innovative applications of the environment, such as retreating into impregnable locations, or the construction of walls around villages. However, Adama Gueye asserts that evasion was a major method of defense. Protective strategies were ambiguous, but Diouf argues that redemption was intermittently utilized as a means of retrieving ones enslaved family members, but it frequently included the swapping of one individual for the freedom of a loved one. While this tradition did not

counteract the slave trade, it did, safeguard certain individuals. Lastly, several authors explore offensive strategies for combating the trade on both the African coast and the Atlantic, such as the acquisition of iron to construct their own weapons for defense instead of purchasing guns.⁵⁶

Instead of exploring the transatlantic slave trade on a macro-level, authors Eric Taylor and Marcus Rediker examined the dimensions of the slave ship. Taylor's work, *If We Must Die: Shipboard Insurrections in the Era of the Atlantic Slave Trade*, explored slave resistance that occurred aboard slave ships. He argued that "shipboard revolts were not at all uncommon," but in all actuality "plagued slave traders every step of the way."⁵⁷ Numerous factors influenced these rebellions, such as crews' perceived weaknesses through illness or insufficient members, along with slaves' ability to procure weapons. On the one hand, when these insurrections did occur they were most often very violent, which revealed the character of the relationship between the sailors and slaves. On the other, Taylor maintains that "most rebellions were unsuccessful" in accomplishing their goals.⁵⁸ Although these uprisings often failed, he asserted that they were significant because the fear of revolt persisted in the minds of slave ship crews, which in turn affected the ways that the trade operated and continued to transpire. Moreover, these shipboard rebellions had broader implications, specifically with regard to plantation resistance that Taylor contends was "tried and tested...and occasionally

⁵⁶ Sylviane A. Diouf, *Fighting the Slave Trade: West African Strategies*, Western African Studies (Athens, Ohio: Ohio University Press, 2003).

⁵⁷ Eric Robert Taylor, *If We Must Die: Shipboard Insurrections in the Era of the Atlantic Slave Trade (Antislavery, Abolition, and the Atlantic World)* (Baton Rouge: LSU Press, 2006), 4.

⁵⁸ Taylor, *If We Must Die*, 18.

perfected, on the ships of the transatlantic slave trade.”⁵⁹ In the end, for Taylor these insurrections were beginning stages of a long violent effort for African captives to emphasize their humanity and attack the institution of slavery.

Rediker’s monograph, *The Slave Ship: A Human History*, examined slavery from “a different vantage, from the decks of a slave ship.”⁶⁰ In doing this, he demonstrated that the slave ship was more than a means of transportation. Instead, it was a floating prison, a factory, and a ‘machine of terror,’ utilized to turn rebellious captives into terrified slaves. On the one hand, by the time slaves disembarked in the Americas, they had been psychologically and physically commodified. On the other, they had also developed new identities that focused on community and resistance. He also maintained that the eighteenth-century slave ships were effectively powered by European capitalism. When the trade transitioned away from monopoly enterprise in the 1770s, slave ships became larger and more professionally constructed. But Rediker, like Taylor, argued that the slaves aboard those ships did not spend their voyages as docile cargo. Quite the reverse. Captives pushed back—despite the difference in ethnic origin and language, despite surveillance and oppressive actions employed by their captors. They did this through suicide, extensive ideas of kinship and faith, by developing new ways to converse, and, most importantly, the will to unify and violently resist. Along with examining the lives of the slaves, he also investigated the sailors aboard the slaving ships. Typically uneducated and poor, mariners on slave ships were recruited from the

⁵⁹ Taylor, *If We Must Die*, 6.

⁶⁰ Rediker, *The Slave Ship*, 11.

‘Guinea Trade’ by dishonesty or coercion, and presenting ethnic assimilations of their own, sailors opposed their incessant maltreatment through independent acts of desertion or suicide. Surprisingly, from time to time, they allied themselves with other mariners and mounted coordinated opposition, such as mutiny. Ultimately, his work illustrated how the Middle Passage interweaved and differentiated both class and race, along with how capitalism continued to affect both.

In the later 2000s, scholars began focused studies on African kingdoms and the institution of slavery within them. Rebecca Shumway’s *The Fante and the Transatlantic Slave Trade* demonstrated how the Fante leaders manipulated their middlemen position between merchant ships arriving from overseas and inland dealers of captives and gold.⁶¹ Her work also asserted that during the eighteenth-century slave trade era, the Fante constructed a decentralized political structure—the ‘Coastal Coalition’—that enabled them to preserve their independence in response to efforts by their inland neighbors to capture their trade routes and coastal ports.⁶² This study also illuminated the significance of cultural history, especially how priests held both religious and judicial authority, thus uniting people in a shared community while also exercising substantial influence in the molding of Fante politics. In the end, the ‘Coastal Coalition’ a multi-state alliance developed both to defend against the expansionist Asante Kingdom and to exploit common trade opportunities with Europeans along the coast. The manner in which this coalition was constructed (and the related ethno-genesis of Fante peoples) made up a

⁶¹ Rebecca Shumway, *Rochester Studies in African History and the Diaspora*, vol. 52, *The Fante and the Transatlantic Slave Trade* (Rochester, NY: University of Rochester Press, 2011).

⁶² Shumway, *The Fante and the Transatlantic Slave Trade*, 2.

piece of an intricate political and cultural geography that placed coastal peoples at the center of the African and transatlantic slave trade.

Randy Spark's study, *Where the Negroes Are Master: An African Port in the Era of the Slave Trade*, reexamines the same space as Shumway and attempts to illuminate African leaders' abilities to utilize their positions as the middlemen between Europeans and the sources of slaves.⁶³ He maintains that Anomabo became the dominant point in the Atlantic world and emphasizes the centrality of the town's African merchant elites in their commercial dealings with visiting British and American traders. He also asserted that by the mid-eighteenth century these elites based their political power upon their predominance in Atlantic Africa. Furthermore, the Fante-speaking area was a region in which blacks and whites fashioned complicated diplomatic and familial affiliations, as well as commercial ones, that shaped the overall structure of the slave trade from the late seventeenth-century to the early nineteenth-century. It is a result of these eighteenth century associations and relationships, Sparks argues, that caused more African slaves to be sold and sent from Anomabo than from any other coastal market on what was then known as the Gold Coast.

While Anstey, Drescher, and Eltis disprove Williams' supposition that the slave trade and slavery were in decline when the British abolished the trade and when slavery ended in the Empire, they minimize the effect the application of British abolition laws had on abolitionism locally and internationally. They also overlook the way in which the

⁶³ Randy J. Sparks, *Where the Negroes Are Masters: An African Port in the Era of the Slave Trade* (Cambridge, Mass.: Harvard University Press, 2014).

British government, British subjects, and other nations navigated the complex notions of imperial sovereignty concerning who did or did not have the authority to inspect and detain vessels of other nationalities suspected of slaving. Lastly, these studies stop short of examining the responses of British citizens and other nations to Britain's enforcement of their abolition laws.

The studies in the 1980s of the transatlantic slave trade focused on determining whether or not the British abolition of the trade and subsequent emancipation was a result of economic reasoning, humanitarianism, or altruism. However, at the same time these works and those in the 1990s and 2000s were attempting to uncover the numbers involved in the slave trade. It was not until researchers compiled thousands of records pertaining to slave trade voyages that scholars began shifting their focus away from the British and, more broadly, Europe. British imperial researchers started asking questions about Africa, the slave ships, and the enslaved in Africa, on the ships, and in the New World. Yet, as these studies shifted their focus to Africa and Africans they continued to neglect how crucial to abolitionism the abolition of the slave trade was, along with how enforcement of abolition laws were received in Africa.

Although these authors brought Africa and Africans into the discussion of the slave trade and slavery, they, like others, ignored how abolitionism became a major element in British foreign policy. More importantly, they overlooked how abolitionists in Great Britain and, more specifically, Whitehall developed a foreign policy of abolitionism in an attempt to eradicate the international slave trade, which eventually had major economic and societal impacts on the African continent. Some scholars have

proposed the suppression of the slave trade caused the inadvertent extension of slavery into Africa because slaves previously sent across the Atlantic were instead used to produce peanuts, coca, cloves, palm oil, and array of other exports rapidly industrializing nations increasingly demanded.⁶⁴ Exploring Britain's use of this type of foreign policy is crucial to understanding how Britain led the way in policing of the slave trade without negatively affecting its other national goals or international relationships. Because empires were not composed of evenly distributed space, but rather of porous unevenly stitched together pieces, "law represented a particularly important factor in the social construction of [the] variegated colonial world."⁶⁵ As a consequence of legal cultures following imperial officials, merchants, sailors, soldiers, captives, and pirates, the British government's actions taken towards the Atlantic slave trade generated debates and confrontations over imperial sovereignty, specifically regarding the "right of search." At the same time, Great Britain experienced internal strife because its foreign policy of abolitionism could not be universally applied and because the British Empire operated in an international system where the institution of slavery still existed.

Operating in Oceanic Corridors: Eighteenth-Century Laws of the Sea

Even though Britain adopted a foreign policy of abolitionism, which specifically focused on ending the Atlantic slave trade, Great Britain operated within "a global maritime culture...of ocean regulatory spheres and...a new (but not peaceful) legal

⁶⁴ For arguments suggesting that the abolition of the slave trade expanded the use of slave labor in sub-Saharan Africa, see Paul E. Lovejoy, *African Studies*, 3rd ed., vol. 117, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge, Mass.: Cambridge University Press, 2011).

⁶⁵ Lauren A. Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010), 3.

regime of the sea.”⁶⁶ Since seas could not be possessed, mariners understood them as a complex entanglement of jurisdictional corridors. Because “ships and their captains moved as delegated legal authorities along intersecting paths, extending corridors of control, in turn weakly or strongly associated with jurisdiction,” they helped make “an inter-imperial sea space that could not be owned but could be dominated.”⁶⁷ Slave ships floated atop that complex legal matrix, and as such, were subject to interdiction at the hands of a Royal Navy now charged with enforcing this foreign policy of abolitionism. By the eighteenth century prize courts operated according to a set of shared conventions. European seafaring nations operated under the common understandings that captures at sea were to be taken before a court under the jurisdiction of the captor. More importantly, vessels detained at sea were not seen automatically as the property of the detainer—even though it stayed in the custody of the capturer—until it had been sentenced in such an assembly, with dissenting parties given an opportunity to present their claims against condemnation. These prize courts were commonly presumed to function within a framework of traditional norms of the law of nations while also respecting provisions outlined in treaties. It was also recognized that sovereigns had the right to sanction the capture of enemy ships and thus form an ancillary military force of privateers.⁶⁸

⁶⁶ Benton, *A Search for Sovereignty*, 158.

⁶⁷ Benton, *A Search for Sovereignty*, 161.

⁶⁸ For an early study that explores the geography of diplomacy regarding the legal structure of piracy since the porousness of sea-lanes had important and concrete implications for the characterization of seizures as legal or illegal see, Ian Kenneth Steele, *The English Atlantic, 1675-1740: An Exploration of Communication and Community* (New York: Oxford University Press, 1986).

Due to the use of prize courts by the beginning of the eighteenth century, an inter-imperial legal Atlantic system existed, but it was not well-organized. Captains and their benefactors manipulated the system in a multitude of ways. Crews captured vessels not sanctioned under their commissions, circumvented prize procedures, pursued sympathetic assemblies with dubious authority, discarded cargoes and ships before decisions were determined, sailed with forged or bought commissions, displayed flags without proper approval, directed fake sales of ships to alter their nationality, smuggled commodities in neutral ports to ‘color’ enemy cargo, along with utilizing a myriad of strategies intended to avoid regulations and dodge penalties. All of these actions occurred at a time when European countries’ representatives were engaged in diplomatic negotiations to end such practices. Yet, those same nations occasionally manipulated the same legal system in an effort to sway patterns of enforcement and the outcomes of individual cases in their favor. Due to frequent wars between 1753 and 1815, prize courts were imbued with a revived political and commercial significance, which in turn invited renewed attention to their structure and proceedings. During these tumultuous times seizures were seen as acts of war because they were utilized as a way to damage enemy finances and commerce.⁶⁹

Before the abolition of the slave trade British prize courts saw an influx of cases concerning ships flying neutral flags and trading to and from enemy ports. This was a consequence of the disregarding of a principle during the Seven Years’ War known as the Rule of War of 1756, which was the notion that during wartime neutrals could not

⁶⁹ Benton, “Abolition and Imperial Law, 357.

engage “in trade that had not been open to them in time of peace,” which was meant to obstruct “belligerents from protecting trade during wartime by handing it over to neutrals.”⁷⁰ As both commerce and conflict expanded in the second half of the eighteenth century, the classification and the understanding of the entitlements of neutrals and belligerents came under close scrutiny. These inquiries were a result of weaker belligerents expecting to reap the benefits of practicing neutral shipping while neutrals expected that being granted greater access to this trading would open up a larger portion of Atlantic commerce. However, nations such as Britain also sought to preserve their emerging hegemony in naval warfare by limiting the scope of neutral shipping.⁷¹

Apprehensions were a reflection of the irregular and intricate treaty system. Several of the bilateral treaties reasserted the principle that neutral ships would be shielded if transporting enemy goods, but endorsed the notion that captors might legally seize goods. Other treaties recognized exemptions by establishing safeguards for enemy goods when transported by co-signing neutral powers. European powers involved in Atlantic commerce entered into both types of treaties, driven by estimations about which regulation would more distinctly favor commercial and military agendas. During individual prize cases, judges in certain instances were charged with interpreting treaty provisions. However, these judges had to make a sequence of judgments on a vessel’s nationality—of plaintiffs, ships, ship captains, and goods. When cases involved

⁷⁰ Benton, “Abolition and Imperial Law, 357-8.

⁷¹ Henry J. Bourguignon, *Sir William Scott, Lord Stowell: Judge of the High Court of Admiralty, 1798-1828*, pbk. ed., Cambridge Studies in English Legal History (Cambridge, UK: Cambridge University Press, 2004).

individuals, British prize court judges utilized a blueprint for establishing nationality, “privileging information about claimants’ place of residence, family ties, and related factors.”⁷² Nationality continued to be the main determinate in determining the conclusion of prize cases concerning cargoes of slaves for decades leading up to the Abolition Act of 1807. Flying neutral colors was also a valuable tactic slave traders employed when transporting slave cargoes. Ultimately, courts continued focusing on determining nationality after Britain abolished its trade and developed a foreign policy of abolitionism, but Great Britain’s actions, whether on the open ocean or in the halls of high politics, threw the previous legal regime of the seas into flux.

When the Abolition Act took effect in January 1808, Great Britain began policing the Atlantic slave trade, but, more importantly, it embarked on a mission to end the global trade altogether. Yet, before Britain could achieve this goal, it had to develop a foreign policy of abolitionism to guide Whitehall through the intricacies of international affairs. By the late 1830s, the British government adopted a foreign policy of abolitionism spawned from the successes and failures of the previous two decades. Essentially, Whitehall promoted the abolition of the slave trade in all diplomatic negotiations, but with a series of caveats. If the foreign policy of abolitionism threatened Britain’s primary foreign policy objectives of extending British influence and markets, or, jeopardized its preexisting diplomatic relationships, abolition of the trade would be relegated to an auxiliary position. Specifically, the British government ignored those abolitionist minded British representatives on the ground who suggested using British

⁷² Benton, “Abolition and Imperial Law, 358.

capital to end slavery in the Western Hemisphere. The British government, if it was necessary, also reprimanded those ministers who abused their positions to directly engage in abolitionist activities. Lastly, Whitehall never allowed an abolitionist nor its foreign policy of abolitionism to directly attack Great Britain's prosperous, although at times tenuous, relationship with the United States. With that being said, Britain did utilize promises of protection, along with its economic and political clout to coerce weaker nations into abolishing their slave trade and granting the Royal Navy the right to search suspected slaving vessels. However, in an effort to keep the peace with the United States, Great Britain applied its foreign policy of abolitionism very differently. In the initial years after abolition, conflict arose over incidents of Britain's navy harassing the American merchant-marine. Once the War of 1812 concluded, the United States government continued to refuse the Royal Navy the right to search U.S. ships, which forced Great Britain to leave American ships alone in an attempt to avoid another war and thus threaten the growing demand for U.S. cotton from Britain's textile industry. Therefore, slavers were afforded the opportunity to use the American flag with impunity. By the 1830s, Great Britain grew tired of slavers constantly abusing U.S. anti-slaving laws and the negligence of American policymakers to enforce those statutes. This animosity led to several international incidents in 1839, which forced both nations to the negotiating table. Although Britain's actions during this period demonstrated that Whitehall's foreign policy of abolitionism had become a higher priority, the bargain reached between Great Britain and the United States illustrated once again that British influence and, above all, economic ties took precedence over the abolition of the trade.

Chapter Outline

While Great Britain projected its foreign policy of abolitionism abroad after the initial end of its Atlantic slave trade in 1808, the mid-1830s and early 1840s saw Great Britain utilize its abolitionist foreign policy more forcefully. Therefore, slaveholding nations, after emancipation of the British West Indies in 1833, experienced a gradual effort by the British Empire to end the Atlantic slave trade through diplomatic means across the mid-nineteenth century. Because this was such a tumultuous period regarding international relations, but particularly negotiations dealing with slavery near the United States, Great Britain took a more cautious approach to achieve the trade's abolition.

Chapter One, “‘A Voice Thundering Across the Atlantic’: British Ambitions and Texas Slavery,” investigates how Great Britain used their foreign policy of abolitionism to successfully achieve a “right of search” clause in negotiations with the young Texas Republic. It also, illustrates the limits placed on abolitionist foreign policy by exploring how Whitehall disregarded a proposal made by ardent British abolitionists in Texas’ to link official British recognition and loans to the emancipation of the newly independent country’s slaves. Throughout the history of the Texas Republic, several Britons saw the fledgling republic as a way to circumvent Britain’s reliance on U.S. cotton, a means to stop American expansionism, and, more importantly, a bulwark against the spread of slavery. These ideas were never officially endorsed by Whitehall because those actions would directly affect its diplomatic relationship with the United States. Great Britain’s foreign policy of abolitionism did, however, achieve a major victory against the slave trade regarding Texas. In 1842, Texas agreed to allow the British Royal Navy to search

its merchant-vessels suspected of engaging in the illicit slave trade. This triumph was short-lived because in early 1845 the United States Congress endorsed the Brown Resolution, which approved of Texas' annexation, despite Charles Elliot's successful effort to get Mexico to recognize Texas' independence.

This chapter also examines the "other slavery" that transpired alongside African slavery in the Republic of Texas. Before and during Spanish rule, as part of Mexico, and, eventually, as an independent republic, the Indian slave trade and slavery existed in Texas. Both institutions were predicated on the enslavement of individuals, which Great Britain had created a foreign policy to eradicate. Yet, British officials appeared unbothered by this "other slavery" because throughout their correspondence there is no mention of ending it. Instead, they focused on ways in which to end the African slave trade and slavery, which demonstrates how Whitehall confined its foreign policy of abolitionism to just one trade and slavery—the African institution.

Although the "infamous" David Turnbull's has been studied by several historians, Chapter Two, 'The Richest Jewel in the Crown of Castile': Attacks on the Illicit Slave Trade in Cuba," reexamines Turnbull's tenure as the British Consul and Super Intendant of Liberated Africans through a foreign policy lens. This approach illustrates how Britain's foreign policy of abolitionism received official endorsement by Whitehall. But that support can also be shown to have quickly evaporated once larger international goals or crucial diplomatic ties became jeopardized. In particular, Turnbull's story reveals that abolitionist foreign policy principles remained contingent upon stable Anglo-American relations and, ironically enough, the uninterrupted

transatlantic flow of slave-grown U.S. cotton.

Great Britain and the United States ended their involvement in the slave trade in January 1808, when each established their own anti-slave-trading laws. However, a tenuous relationship developed between the two because Americans frequently disregarded U.S. anti-slave-trading laws and other slavers regularly used the American flag to avoid British inspection. Therefore, Chapter III, ‘A Spear at Every Nation’: Great Britain Achieves an American Treaty Against Slave Trading,” outlines the United States’ sporadic attempts at policing the slave trade after its initial abolition. It focuses primarily on the negotiations and debates over the Webster-Ashburton Treaty. Incidents involving American slaving vessels and the Royal Navy in 1839 finally brought both nations to the negotiating table regarding the slave trade. Ultimately, by this point Great Britain had committed to the foreign policy of abolitionism, but as was the case with Cuba; support for the foreign policy of abolitionism dissipated when important diplomatic connections were endangered or the supply of U.S. cotton threatened. Therefore, during the treaty discussions Great Britain made two major concessions—they officially renounced the practice of impressment and the “right of search.” Although Britain’s compromises were made privately, they demonstrated once again that the foreign policy of abolitionism could be scaled back when it threatened other international goals. At the same time, the United States agreed to place a permanent squadron off the coast of Africa to prevent abuses of the American flag by slavers. Consequently, when the United States agreed to these terms it illustrated that the southern slaveholder’s foreign policy of slavery was also malleable when

accommodation protected other and more important diplomatic policies.

Because each body chapter concludes at successful moments for Great Britain's foreign policy of abolitionism, the conclusion discusses the ramifications of those achievements in each nation or colony discussed. Since Cuba remained a colony of Spain until the late nineteenth century, Great Britain's government dealt with Spanish and Cuban authorities over the slave trade. Therefore, the foreign policy of abolitionism experienced hostility from two fronts. Because Cuban sugar became Spain's most lucrative commodity in the mid-1800s, the government undermined its own anti-slaving policies in an effort to not hinder the flow of sugar and capital into Spanish coffers. Essentially, the Spanish government nullified its own anti-slave-trading laws, which allowed the Cuban slave trade to flourish. Continued abuses of those statutes led to Whitehall sending an ardent abolitionist—David Turnbull—to Cuba to shore up those offenses. However, Turnbull took the foreign policy of abolitionism to the extreme, which forced Great Britain's leaders to rein in the unruly abolitionist. Turnbull disregarded these reprimands and, eventually, went on a rogue mission to free former British slaves who had been re-enslaved in Cuba. Those actions led to his imprisonment and permanent expulsion from Cuba. Ultimately, when Whitehall stripped Turnbull of his Consulship and allowed the Cuban authorities' to detain him, it demonstrated the limits Great Britain's government placed on the foreign policy of abolitionism. The initial abolition of the slave trade by the United States and Great Britain in 1808 ushered in nearly six decades of tension over enforcing anti-slaving laws and policing the trade. Hostilities between both nations centered on the "right of search," which dated

back to the War of 1812. Yet, after it abolished the slave trade the United States lacked an official or efficient naval squadron on the African Coast to enforce U.S. anti-slaving statutes. Therefore, slavers frequently hoisted American colors to avoid British search, which prompted Whitehall to press U.S. officials into allowing the Royal Navy the right to search American vessels suspected of slave trading. Because United States representatives had a strict belief in preserving freedom of the seas, they constantly denied Britain the right. Consequently, some Americans, but mostly the citizens of other nations, hid behind forged American papers and the U.S. flag. By 1839, Great Britain's foreign policy of abolitionism had gained significant momentum, which led to the Royal Navy detaining several American ships guilty of slaving. Those incidents led to the Webster-Ashburton Treaty of 1842. Although the treaty created the U.S. African Squadron and saw violations decrease, abuses of American anti-slaving laws continued until President Abraham Lincoln signed a treaty in 1862 granting the Royal Navy a limited "right of search." Lincoln's actions finally concluded U.S. involvement in the trade, but, more importantly, it was the final achievement that purveyors of Britain's foreign policy of abolitionism required to end the African slave trade.

CHAPTER II

‘A VOICE THUNDERING ACROSS THE ATLANTIC’: BRITISH AMBITIONS

AND TEXAS SLAVERY

After almost a decade as an independent republic, Texas continued to experience social and economic crises. Prolonged war with the Native Americans increased the young republic's national debt, prompting Texas' leaders to look to other countries—and the United States in particular—for aid in relieving the ever-increasing deficit. However, the United States denied the republic's request for recognition and annexation, which forced Texas' government to look across the Atlantic for aid, specifically to Great Britain, which did not sit well with many Texans. In an attempt to address the anxiety of ordinary Texans in the fall of 1843, Sam Houston delivered a speech at the Presbyterian Church in Huntsville. It was during his speech that Houston discussed allegations, leveled by his political opponents, that he was scheming to “sell [his] country to England,” which they feared would be a detriment to the future status of slavery in Texas. In response to these accusations, Houston asserted that he “question[ed] very much...whether England would have us, if she could get us. To my mind it is clear that England does not care about the abolition of slavery.” Additionally, he asserted that Great Britain had devastated its West Indian colonies by abolishing slavery there and “she knows very well that a slave population will develop the resources of a new country in one-eighth of the time it would take by free labor.” Ultimately, he argued, because of Texas's excellent quality fertility—particularly as pertained to cotton—and “the advantages that England might derive from us in various ways,” the “inducements to her

to lend us her aid at this juncture” were strong. Houston dismissed the “opposition of the fanatics who clamor for universal abolition of slavery” as inconsequential cant.¹

British attention to Texas was apparent from the Texas Republic’s 1836 declaration of independence. Indeed, Texan representatives were in open communication with British officials throughout the Texas Revolution. While it was not until 1840 that Texas’ appeal for recognition gained official approval in Britain, and major steps were taken toward the adoption of several treaties, Texas from its initial declaration remained attractive to British traders and statesmen. Joseph T. Crawford, the British vice-consul at Tampico, exploring the opportunities that the Republic of Texas offered, argued that “[s]hould Texas maintain its Independence [from] Mexico an advantageous Barter trade can be established with other Countries who will supply manufactures and take Cotton and other produce in return.”² Yet the British government and its agent were not cognizant of the internal strife that racked the nascent republic. Before the consul’s letter, the provisional government founded in November of 1835 devolved into anarchy. The general instability throughout Texas and the toxic issue of slavery caused the new republic to fail in its attempts to gain recognition from the United States.³ Furthermore, the Mexican government’s refusal to recognize Texas’ independence and the continued

¹ Sam Houston, *The Writings of Sam Houston*, eds. Amelia W. Williams and Eugene (Austin, Texas: University of Texas Press, 1940), 3: 448.

² Crawford to O’Gorman, May 13, 1837, F. O., Mexico, Vol. 110, in *British Diplomatic Correspondence Concerning the Republic of Texas, 1838-1846*, ed. Ephraim Douglass Adams (Austin: Texas: Texas State Historical Association, 1918), 8. [Here after referred to as BDC-RT.]

³ Sam W. Haynes, *Unfinished Revolution: The Early American Republic in a British World, Jeffersonian America* (Charlottesville: University of Virginia Press, 2010); Andrew J. Torget, *Seeds of Empire: Cotton, Slavery, and the Transformation of the Texas Borderlands, 1800-1850* (The David J. Weber Series in the New Borderlands History) (Chapel Hill, North Carolina: The University of North Carolina Press, 2015); Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of Foreign Policy* (Cambridge, Massachusetts: Harvard University Press, 2016).

threat of reoccupation by Mexican forces kept Texas' future uncertain. Therefore, the ambiguity of Texas' future combined with the prospect of a lucrative trading partnership prompted British officials in or with knowledge of Texas to encourage Whitehall to establish a relationship with the fledgling republic.

Britain utilized its political influence to manipulate the fledgling republic into agreeing to demands that were diametrical to the Texans' aspirations for independence. As it had with the United States, Great Britain also took issue with Texas slavery, specifically the continued flow of slaves into Texas by sea. Therefore, the slave trade took center stage in the discussions over British recognition of Texas. By using treaties to steer Texas's government in the direction British officials deemed appropriate, Britain illustrated and utilized its foreign policy of abolitionism, specifically regarding the Atlantic slave trade. During the negotiation process the British government successfully persuaded Texas to abolish the trade, but it never achieved what abolitionists and several Britons in Texas saw as their greatest mission, the abolition of slavery in the Republic of Texas, or, more generally, the Western Hemisphere. Several British representatives in Texas believed that the abolition of slavery in Texas was achievable through British loans to the Republic. Others believed that if Britain pressured Mexico into recognizing Texas' independence, the Texas Republic's government would agree to abolish slavery. Yet, these schemers failed to realize that Whitehall would not allow Great Britain's recently formed foreign policy of abolitionism to jeopardize market penetration, commercial expansion, and most importantly, the flow of U.S. cotton to Britain's textile

industry. Ultimately, some British diplomats might have hoped to abolish slavery in the new Texas Republic, but entrenched interests prevailed over new ideals.

Furthermore, British representatives, in their attempts to persuade the British government to push Texas' government to abolish African slavery, failed to address the long established "other slavery" in Texas.⁴ The Indian slave trade and slavery, institutions present before Spanish exploration, rested on an intricate system of trade, exchange, and captive-taking. Yet, as Britain developed its foreign policy concerning the slave trade and took the lead in promoting the global emancipation of enslaved Africans, an elaborate trade of enslaved indigenous and white individuals continued and expanded in the Texas Republic. Therefore, Great Britain's foreign policy of abolitionism completely ignored other types of bondage. British fixation on the African slave trade (and historians' subsequent focus on that singular issue) allowed the Indian slave trade to remain hidden in plain sight. With Britain's sole focus on black slavery, Indian slavery was in some ways allowed to expand at this same moment, creating complications for both Texas and any Anglo-Texan alliance. In ways scholars have so far failed to appreciate, Native American policies regarding *their own* slave trade, an Indian "foreign policy of slavery," was a crucial factor in the ultimate failure of Britain's "foreign policy of anti-slavery" in Texas. This resulted in important ramifications for a set of foreign relations problems that have been mostly confined to statesmen in Whitehall, Austin, and Mexico City. And yet, the councils of Indians—primarily Comanche, Wichita,

⁴ Andrés Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (Boston: Houghton Mifflin Harcourt, 2016).

Kiowa, and Apache—remain crucial to the story of Britain’s international anti-slavery politics at the time.

Britain’s proposals regarding Texas were in many ways bound to clash with its pre-existing relations with Mexico and the United States, but the British government attempted to circumvent these impediments by encouraging Mexico to recognize Texas. Furthermore, Whitehall did not pursue any policies that might threaten their relationship with the United States. Britain acquiesced in Texas’ annexation when it appeared that rejection might threaten peaceful relations with the United States, which the initial historiography of British diplomatic policy demonstrated.⁵ However, as later diplomatic historians illustrated, Britain did not sit idly by and allow the United States to become a North American hegemon overnight. Instead, the British government employed a variety of methods to thwart American expansionism through diplomacy.⁶ Furthermore, as other scholars assert, Britain did not solely focus on the United States; it had economic ties

⁵ In his seminal work, *British Interests and Activities in Texas, 1838-1846*, Ephraim D. Adams established the paradigm in which future historians understood British diplomatic policy. He asserted that British policy hinged on “two naturally conflicting points of policy. The first point was the maintenance of peaceful and friendly relations with the United States; the second, which, in the development of [Aberdeen’s] policy, had ultimately to be sacrificed to the first, was the restriction of the United States to its then boundaries... [and] it was in pursuance of this policy that Aberdeen’s negotiations regarding Texas were undertaken.” Ephraim Douglass Adams, *British Interest and Activities in Texas, 1838-1846* (Gloucester, Massachusetts: Peter Smith, 1963), 232.

⁶ While later diplomatic historians examined different aspects of British policy, such as Britain’s attempt to slow American expansionism by resisting Texas’ annexation, create a bulwark against the growing power of the United States in North America, and find a replacement for American cotton in Texas, they never refuted Adams’ initial conclusions but rather expanded upon them. For authors building on Adam’s work see Kenneth Bourne, *Britain and the Balance of Power in North America, 1815-1908* (Berkeley: ACLS Humanities E-Book, 2008, 1967); Wilbur Devereux Jones, *Aberdeen and the Americas* (Georgia: University of Georgia Press, 1958); Wilbur Devereux Jones, *The American Problem in British Diplomacy, 1841-1861* (Georgia: The University of Georgia Press, 1974); David Pletcher, *The Diplomacy of Annexation: Texas, Oregon and the Mexican War* (MO: University of Missouri Press, 1973); Paul Varg, *United States Foreign Relations, 1820-1860* (MI: Michigan State University Press, 1979).

throughout Latin American and elsewhere.⁷ Ultimately, all of this scholarship added to our understanding of British diplomatic policy, but failed to place adequate emphasis on the role the abolition of the Atlantic slave trade and slavery played in Britain's foreign policy. Moreover, these works do not address the lengths to which the British government and Britons would go to achieve one or both of these goals.

In the same light as their predecessors, recent scholars exploring the complexities of slavery in an international context have continued to minimize the important place that the abolition of the slave trade and slavery held in British foreign policy.⁸ While these works do not focus on the eradication of these institutions, both play major roles in their larger narratives. Furthermore, acknowledging that Great Britain was the first nation to embark on a global mission to eliminate the slave trade and slavery is not enough. Instead, this study examines the policy initiatives from London, but, more importantly, investigates the policy proposals flowing back to the metropole to understand the importance placed on abolition in British foreign policy.

⁷ Other scholars reevaluated British policy goals in the Western Hemisphere by exploring British-Latin America relations instead of solely focusing on Anglo-American maneuverings. They found that Britain was the dominant economic foreign power in Latin America and elsewhere, where it intended to secure hegemony through informal influence with local governments reliant on Britain. Moreover, that when the British backed Texas, they did it not to check the United States or cultivate the Texas cotton trade. Instead, they did it to stabilize Mexico financially. John Gallagher and Ronald Robinson, "The Imperialism of Free Trade," *Economic History Review* 6, no. 1 (August 1953): 1-15; D. C. M. Platt, "The Imperialism of Free Trade: Some Reservations," *Economic History Review* 21, no. 2 (August 1968): 296-306; D. C. M. Platt, *Finance, Trade and Politics in British Foreign Policy, 1815-1914* (U.K., Oxford University Press, 1968); Rory Miller, *Britain and Latin America in the Nineteenth and Twentieth Centuries*, Studies in Modern History (London: Longman, 1993); P. J. Cain and A. G. Hopkins, *British Imperialism, Innovation and Expansion, 1688-1914* (London: Longman, 1993); Lelia M. Roeckell, "Bonds Over Bondage: British Opposition to the Annexation of Texas," *Journal of the Early Republic* 19, no. 2 (Summer 1999): 257-278.

⁸ Karp, *Vast Southern Empire*; Torget, *Seeds of Empire*; Haynes, *Unfinished Revolution*.

Although scholars of Native American history have examined the Indian slave trade, captives, slavery, and Indian relationships with imperial powers, this work adds to our understanding of how Native American groups responded to the abolition of the African slave trade and slavery.⁹ Moreover, we ought to examine whether or not European powers took issue with the Indian slave trade and continued enslavement of Native peoples in states where they had diplomatic relations during the age of abolition. While the Indian slave trade and slavery were similar to the African slave trade and slavery, they were by no means the same. However, when the British began their mission to eliminate the African institutions did they also want to stop Native American systems as well? Recent U.S. foreign relations scholarship has argued that instead of marginalizing Indians within the history of U.S. diplomacy, these indigenous polities and individuals need to be seen as “historical actors, rather than mere objects of state settler aggression.”¹⁰ Moreover, we ought to pay closer attention to “how power worked on the ground as to diplomatic struggles over formal title.”¹¹ Yet, like Native American

⁹ Alan Galloway, *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670-1717* (New Haven: Yale University Press, 2002); James Brooks, *Captives and Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* (Chapel Hill, NC: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, University of North Carolina Press, 2002); Reséndez, *The Other Slavery*; Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge, Mass.: Harvard University Press, 2006); Leonard J. Sadosky, *Revolutionary Negotiations: Indians, Empires, and Diplomats in the Founding of America, Jeffersonian America* (Charlottesville: University of Virginia Press, 2009); Pekka Hämäläinen, *The Comanche Empire, The Lamar Series in Western History* (New Haven: Yale University Press, 2008); Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War, The Lamar Series in Western History* (New Haven: Yale University Press, 2008).

¹⁰ Brian DeLay, “Indian Politics, Empire, and the History of American Foreign Relations,” *Diplomatic History* 39, no. 5 (September 2015), 940.

¹¹ DeLay, “Indian Politics,” 940.

scholars, foreign relations historians continue to minimize the role that Indians played in foreign policy regarding abolitionism.

Ultimately, Native Americans (and the Comanche in particular) dominated Texas through the 1830s and 1840s at least. And it matters that these were the same decades when Britain sought to wield some measure of anti-slavery diplomatic muscle through its intrigues in Texas. And whether we choose to designate it as a province of Mexico or an independent republic, the reality is that the entrenched—rather than presumptive—power on the ground was Native American. For even though Texas had won its independence from Mexico, the reality was, it was on the periphery of the powerful confederation of Comancheria and still locked in a low-grade but constant war with surrounding Comanches (and their allies). And, indeed, that war, pursued most vigorously by Texas president and Indian “exterminationist” Mirabeau Lamar, was *itself* being fought over the issue of slavery: the taking of white captives along the porous boundary between Anglo-American settlements and Comancheria. Therefore, abolitionist politics are not just an Anglo-Texan or Anglo-American-Texan question, as earlier generations of diplomatic historians have suggested. Instead, abolitionism in Texas is jointly an Anglo, Texas, African, Indian, and American issue, and recognizing this as such changes the contours of the entire story.

Attempting Recognition: Texas, the United States, and Great Britain

Once Sam Houston assumed the presidency of the Republic of Texas in October 1836, he embarked on an aggressive mission to achieve annexation by the United States in order to remedy the republic’s enormous economic, racial, political, and military

troubles. In order to facilitate this process, Houston appointed Stephen F. Austin to the position of Secretary of State, which he hoped would streamline affairs due to Austin's previous diplomatic experience with the United States.¹² However, the issue of recognition proved difficult to achieve because reports illustrating the disorder that plagued the Texas government had already reached Washington, D.C., where the news weakened U.S. officials' resolve to assist the new republic.

In response to U.S. rejection, the Houston administration redoubled efforts to persuade Americans that Texas could protect itself from Mexico and that annexation was the best policy to pursue for the United States. When the Texas diplomat William H. Wharton was dispatched to Washington D.C., he was supplied with a set of comprehensive documents illustrating why Texas was "fully competent to sustain her independence, and fulfill the duties and obligations of an independent power."¹³ More importantly, he was afforded the power by the Texan government to force U.S. legislators to make a decision. The Texans planned to threaten the United States by gesturing towards a possible trade agreement with European powers based on "the great commercial advantages that will result to their nations from [their] cotton."¹⁴ While the idea of King Cotton diplomacy would not be fully conceptualized or utilized until the American Civil War, using cotton as a weapon in diplomatic negotiations has a much

¹² Stephen F. Austin, William H. Wharton, and Branch T. Archer, sent by the Consultation in late 1835, spent months of the revolution working to gather assistance for the Texas army. Eventually, the men successfully "obtained money from certain individuals in the United States, upon two Loans, one for *two hundred thousand Dollars*, the other for *fifty thousand Dollars*." Loan Contract, April 2, 1836, in *The Texas Legation, 1836-1845*, Kenneth R. Stevens (Forth Worth, Texas: TCU Press, 2012), 3.

¹³ Stephen F. Austin to William H. Wharton, November 18, 1836, *The Texas Legation, 1836-1845*, Kenneth R. Stevens (Forth Worth, Texas: TCU Press, 2012), 20.

¹⁴ Stephen F. Austin to William H. Wharton, November 18, 1836, *The Texas Legation*, 32.

longer pedigree and Texas experimented with a nascent form of it in an effort to compel U.S. annexation. In the end, if coercion did not have the desired effect, Wharton was to follow through on those threats by meeting with representatives of Great Britain and France to discuss recognition of Texas and negotiate trade partnerships with the republic.¹⁵

Texas cotton developed into his major bargaining chip in diplomatic negotiations with the United States and Europe. The endeavor to obtain recognition continued, and from his position in Washington, D.C., Wharton informed Texas leaders that the source of American opposition to recognizing or annexing Texas was the issue of slavery. While slavery in the United States had been a source of debate since the American Revolution, the dispute over balancing political power between slave and free states within the U.S. federal system intensified when the Missouri conflict erupted in 1819.¹⁶ Since then, friction between slave and free states had grown more intense from the 1820s and early 1830s as various conflicts catapulted the explosive issue of slavery and the balance of power between the sections to the forefront of American politics.¹⁷ As a consequence of Texas declaring itself unequivocally a slave state, the possibility of the United States recognizing and annexing the Republic of Texas centered on those

¹⁵ Stanley Siegel, *A Political History of the Texas Republic, 1836-1845* (Austin, Texas: University of Texas Press, 1956), 72-3.

¹⁶ Torget, *Seeds of Empire*, 186.

¹⁷ For a better understanding of contested nature of slavery in the United States, see Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2006); John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: University of Virginia Press, 2007); and John Craig Hammond and Mathew Mason, *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation* (Charlottesville: University of Virginia Press, 2011).

disagreements. Ultimately, in an attempt to circumvent an inevitable fight on the issue, agents of both the departing Jackson and new Van Buren administrations made it clear to Texas delegates that the United States had no intentions for immediate annexation.

But growing fear of Great Britain, along with southern political maneuvering, facilitated U.S. diplomatic recognition of Texas—which Andrew Jackson, in one of his last acts as president, made official in March 1837. Yet, the South’s political influence failed to motivate the newly elected Martin Van Burn into action on annexation.

Therefore, the *Telegraph and Texas Register* suggested that Texas should turn to the “mighty voice thundering across the Atlantic,” Great Britain.¹⁸ Consequently, the Texas government dispatched Secretary of State James Pinckney Henderson on a special mission to Great Britain in June 1837, entirely aware that “widespread Anglophobia in the United States meant that any diplomatic or trade agreements that Henderson forged in London would go a long way toward forcing the Van Buren administration to act.”¹⁹ However, his other agenda was to secure loans to replenish an empty Texas treasury. It was most likely that London would be the place to find those creditors. While this was Texas’s first major appeal to Great Britain for recognition and credit, British officials, because of British observations regarding the political, racial, economic, and military

¹⁸ *Telegraph and Texas Register* (Houston, Texas, Tuesday, May 2, 1837). The Portal to Texas History, UNT Libraries, University of North Texas, Denton Texas.

¹⁹ Torget, *Seeds of Empire*, 188. President Sam Houston also nominated Henderson to be the “Agent Commissioner to the Government of His Britannic Majesty, near the Court of St. James.” Steven Grady Gamble, “James Pinckney Henderson in Europe: The Diplomacy of the Republic of Texas, 1837-1840,” PhD diss., Texas Tech University, 1976), 8.

troubles plaguing Texas in 1837, had already discussed the possibility of establishing a relationship with the Republic.²⁰

At the same time, President Houston understood that the Texas Republic's future depended on its relationship with Native American populations. At first, he attempted to provoke a general Indian war to promote U.S. intervention and accelerate annexation, but when that plot failed, he embarked on a mission to formalize Indian relations. In contrast to most Texan representatives, Houston believed that concessions to the Indian nations was the only route to Texas' peace. Therefore, he signed treaties with the Cherokees and Shawnees in fall of 1836.²¹ Later that year, Houston sent messengers into northern Texas, a region better understood as Comancheria, or the Comanche Empire. Indeed, Texas itself should be considered a power peripheral to the local Comanche hegemon. Knowledgeable of Indian diplomacy, and aware of Comanche predominance, Houston assured Comanches of the "three perquisites of peaceful relations: gifts, trade, and face-to-face diplomacy."²²

In early 1838, Houston tried to placate the Comanches through diplomacy, but the Texas Congress, overriding the president's veto, opened all Indian lands to white settlement. This unregulated movement caused Texas Comanche relations to devolve into violence. Comanches ransacked frontier farms, killing settlers and taking horses, mules, and taking captives for the Indian slave trade. Meanwhile, militia units from

²⁰ Crawford to O'Gorman, May 13, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 8.

²¹ Siegel, *Political History of the Texas Republic*, 82; Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State*, 2nd ed. (New York: Oxford University Press, 2003), 164.

²² Hämäläinen, *Comanche Empire*, 214; Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005), 122-3.

Texas patrolled the region and indiscriminately killed Comanches. In an effort to reestablish peace, President Houston sent commissioners into Comancheria in March 1838. In May of 1838, Houston also warned that the “Indian lands [were] forbidden fruit,” but settlers continued traveling up the Brazos, Colorado, and Guadalupe rivers toward Comanche hunting grounds.²³ Yet, frightened by the republic’s intense enthusiasm and capability of expansion, Comanches diverged from their customary notion of permeable borders and insisted that a fixed boundary line guaranteed by treaty separate the territories of the two nations. Prohibited by Texas law to cede any lands claimed by the republic, representatives avoided the matter and the talks remained unsettled. Yet, in May, the Comanches signed a “Treaty of Peace and Amity” in Houston.²⁴

Although President Houston had reestablished peaceful relations with the Comanches in the early summer of 1838, other tribes were implicated in an unsuccessful rebellion against Texas. While only the most militant warriors of the Cherokees, Kickapoos, Shawnees, and Delawares rose in resistance, their actions led to the indiscriminate harassment of Native Americans who were not involved in the insurrection. Therefore, Houston was unable to bring a genuine peace between indigenous inhabitants and the Texas Republic.²⁵ Ultimately, on the ground, Texas’ major commitment was to Indian affairs, but in foreign policy, the government of the Republic of Texas also focused on obtaining loans from Great Britain. However, Texas’

²³ “Message to the Texas Senate,” Houston Writings, IV, 60, quoted in Siegel, *A Political History*, 83.

²⁴ Hämäläinen, *Comanche Empire*, 215.

²⁵ Campbell, *Gone to Texas*, 164-5.

continued involvement in slavery conflicted with Britain's foreign policy of slavery, specifically Whitehall's goal of ending the slave trade. But none of these issues can be disentangled: Texas had gone into debt waging Indian wars meant, in part, to suppress Comanche captive-taking, particularly as it pertained to white women and girls and their supposed "sexual slavery" in Comancheria. But, even as they attacked one form of slavery on their western flank, Texans worked to shore up the chattel variety of enslavement in the east.

The Empire Across the Atlantic: Britain, Texas, and the Slave Trade Question

Even before James Pinckney Henderson arrived in Great Britain in 1837, Joseph T. Crawford had already contacted the Texas government regarding trade. However, he was "careful to explain to General Houston that [his] visit was wholly one of a Consular nature to collect satisfactory information respecting the commerce of the ports of the Northward District of Tampico."²⁶ While in his official correspondences Crawford worded his remarks carefully, the *Telegraph and Texas Register* reported his mission as an assignment to "investigate the civil and political condition of the country and report to the British government."²⁷ Although Crawford was in Texas on a fact finding mission, he did argue that if Mexico attempted to retake Texas it would have to be a "systematic operation" that required the establishment of new forts and an effective military occupation of the entire country. For him, a strategy of that magnitude would be "impossible for Mexico to undertake or execute" because by that time Texas' population

²⁶ Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 9.

²⁷ *Telegraph and Texas Register* (Houston, Texas, Tuesday, May 2, 1837). The Portal to Texas History, UNT Libraries, University of North Texas, Denton Texas.

had grown, along with the Texas confidence. Therefore, he concluded that Texas had “conquered or will ultimately conquer her Independence [from] Mexico.”²⁸

When it came to the United States annexing Texas, Crawford asserted that after their initial failures Texans reached the decision that annexation would be disadvantageous for the republic. Texas’ soil, he argued, had the capability of producing as much, or if not more cotton than the United States. Additionally, if Texas became part of the Union, Texas would gain nothing for exchanging its produce for U.S. manufactures. Consequently, Texas would “lose the advantage of competition,” while reaping “no solid benefit by adding her cottons into the growth of the United States.”²⁹ Therefore, public opinion had shifted from annexation to the desire for a “separate, free and recognized independent government, to trade directly with other nations” in which Texas would provide the raw materials in return for manufactures.³⁰ In the end, Crawford asserted that because neither the people nor the government of Texas desired annexation, it would no longer be pursued.

By the late 1830s, slavery was essential to the Texas economy. Therefore, the Texas Constitution duplicated the rudimentary elements of the U.S. government. However, the enumeration of human rights in the constitution did not render the revolution a fully humanitarian one. The Texas independence movement was plagued with racial conflicts, and the convention approved several proslavery and discriminatory amendments, which incorporated a slave code that ensured the chattel status of blacks

²⁸ Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 12.

²⁹ Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 12-13.

³⁰ Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 13.

held in bondage under phony contracts. Under the Texas constitution, the “introduction of Slaves, Africans or Negroes [was] forever prohibited and declared to be piracy, except those from the United States.”³¹ It also denied equal rights to free blacks by giving citizenship to whites only.³² Yet, nothing appeared in the document about Native American slavery or the slave trade

Even though the institution of slavery was abolished only a few years earlier in the British Empire, Crawford argued that the number of slaves in Texas was small and “in general they [were] exceedingly well treated.”³³ His major problem with Texas at the time was the issue of the slave trade. Since Britain abolished the trade in 1807, they had taken the lead in policing the Atlantic slave trade, along with pushing other nations to do the same. While the Constitution of the Republic of Texas 1836 declared the “importation or admission” of slaves from anywhere “excepting from the United States of America...piracy,” Crawford maintained that “slaves [had] been imported directly into Texas.”³⁴ However, in their defense the Texas leaders had utilized all of their “power to detect the perpetrators and bring them to Justice,” but “one or more American” vessels continued to carry out “this most detestable traffick” by importing slaves on the east side of the Sabine, thereby evading the Texas laws.³⁵ Furthermore,

³¹ Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 13.

³² Campbell, *Gone to Texas*, 147; Paul D. Lack, *Texas A&M Southwestern Studies*, vol. 10, *The Texas Revolutionary Experience: A Political and Social History, 1835-1836* (College Station, Texas: Texas A&M University Press, 1992), 89-90.

³³ Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 13.

³⁴ Texas Const. of 1836, general provisions, § 9; Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 13.

³⁵ Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 13.

slaves were brought to Texas from Cuba by two American schooners, the *Waterwich* and *Emperor*, flying the Texas flag.

Although the illegal trade continued into Texas, Crawford was satisfied with President Houston's promise to eventually stop the trade. Furthermore, he had been made aware of Texan's communications with the United States regarding the issue. The U.S. Secretary of War, Joel R. Poinsett, had sent 300 American troops to the Sabine in an attempt to help Texas stop the flow of slaves into Texas from the Atlantic. Yet, by March 5, 1837, Houston delivered a message to the Texas House of Representatives arguing that the Texas Navy was ill equipped, with only two ships in its fleet, to block the continued importation of slaves. His solution was to call on Great Britain and the United States to join them in preventing the trade into Texas. Because this measure was accepted with such enthusiasm, Crawford argued that, before any more slaves were imported from the United States, it would not be a difficult task to introduce an initiative to have the issue of slavery "expunged" from Texas's constitution.³⁶ Moreover, the adjustment to the constitution would need to come quickly because immigration, specifically planters bringing their slaves to Texas from the United States, would increase monumentally due to the Panic of 1837.³⁷ If the issue was not remedied as

³⁶ Crawford to Pakenham, May 26, 1837, F. O., Mexico, Vol. 110, in *BDC-RT*, 14.

³⁷ In 1836, the U.S. government sold 20 million acres of federal land, paid for by paper money whose value was often times questionable. By July of 1836, Andrew Jackson's administration issued the Specie Circular, which declared that any public land had to be purchased with gold or silver. Paralleling this event, the Bank of England began demanding American merchants to pay their creditors in gold and silver. Then and economic depression in Great Britain slowed the demand of American cotton, the U. S's major export. In the end, these events compounded together to trigger and economic collapse in the U.S., the Panic of 1837. Eric Foner, *Give Me Liberty! An American History*, 3rd ed. (New York: W.W. Norton & Co., 2012), 387.

quickly as possible, the slave population in Texas would double. Ultimately, Sam Houston pushed for a joint resolution to appoint an agent to Great Britain.³⁸

As conversations over Texas continued, communications from Britons in Texas further illustrated a Texan desire to implement a treaty between Texas and Britain. The British naval Commander Joseph Hamilton maintained that during his stay in Texas he was able to converse with several merchants and cotton planters, some of them English, who were “interested in the Trade with Great Britain” and “anxious to have a Commercial Treaty negotiated [with] Great Britain.”³⁹ Moreover, he was guaranteed by some of the most prominent individuals that a treaty would be greeted with the utmost enthusiasm even though Texas had recently completed a treaty with France, giving the French the most favored nation status.⁴⁰ More importantly, the cotton planters were anxious to begin directly shipping their produce to London instead of the United States because at the time they received eight cents per pound of cotton. A treaty such as this would be reciprocal; specifically, it would afford Britain with a trade network previously dominated by the United States and possibly cause that commerce to dwindle to mere insignificance. Consequently, if the British government did not decide to extend a treaty

³⁸ On May 15, 1837 a joint resolution was approved to appoint a representative to Great Britain. The following month the agent was to visit the Court of St. Cloud. In the end, James Pinckney Henderson was commissioned as the minister to Great Britain, where he arrived on October 9, 1837.

³⁹ Hamilton to MacGregor, June 23, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 17. In 1840, the governor of the Windward Islands Sir Evan John Murray MacGregor, sent Joseph Hamilton of the British Navy to Texas to reclaim former slaves of the British Empire. They had been sent to Texas as indentured servants following the abolition of slavery in the British Empire, but were re-enslaved by Texas slaveholders. *BDC-RT*, 16-7n1.

⁴⁰ James Pickney Henderson concluded his negotiations regarding a treaty with France on September 25, 1839.

to Texas, British agents argued Britain should, at the very least, appoint an agent to Texas in order to protect its rapidly expanding commercial interests there.

Due to British fears of endangering their diplomatic relationships with the United States and Mexico, officials in Britain continued to refuse Texas recognition.⁴¹ Colonial Secretary Francis Sheridan, meanwhile, argued that if there was the remote chance of Great Britain extending recognition the government needed to send a “competent person” immediately in order to “examine the Country, make himself acquainted with the character and habits of the people and report thereon.”⁴² Moreover, the individual sent to Texas needed to acquire knowledge about the defense and support of British emigrants by the republic’s government once they arrived in Texas, along with the condition of the land in the country. This information was crucial because the new immigrants would most likely adopt staple farming and cattle ranching. In the end, it was argued that while most Texans seemed to have been “outcasts from society,” there were “individual instances of talent, worth and respectability.”⁴³

Although the British government’s refusal to recognize Texas’s independence remained its official stance on the issue, Sheridan reiterated, “recognition of her Independence by Great Britain would be of ultimate advantage to the Mother Country.”⁴⁴ British refusal to recognize Texas was also linked to the fact that Texas was a slave holding nation and it continued to allow the importation of slaves. The matter he

⁴¹ James Pickney Henderson submitted a proposal for recognition on October 13, 1837, but it was rejected by Palmerston, January 27, 1838.

⁴² Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 23.

⁴³ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 23.

⁴⁴ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 24.

asserted could be quickly remedied by a “prompt recognition of Texas by Great Britain.”⁴⁵ Yet, the slavery question predominated debates.

The Texas constitution forbade the importation of slaves from anywhere but the United States. Introducing them from other countries was deemed “piracy” and ostensibly punishable by death, but the Texas government never took action to discover and penalize perpetrators. Consequently, individuals ran their cargoes with impunity. And because the authorities administered these regulations with such laxity, residents on several parts of the coast were openly known as slavers. The continued importation of slaves into Texas was a consequence of the growing demand for labor and the profitability of selling slaves. One British agent argued that due to this demand, the price of slaves in Texas was inflated. Slaves in Texas were known to have commanded \$1,500 to \$2,000 a head, while at the same time they were selling at \$300 to \$400 in Havana.⁴⁶

The lucrateness of slave trading in Texas initiated an intense competition over filling the labor needs of Texas between international and U.S. slave holders, especially those of Virginia, the Carolinas, Georgia, Kentucky, Missouri and Tennessee. Moreover, Sheridan argued that Texan thought regarding British diplomatic recognition was that if it were done, “[Texas] would allow England...to make her own terms [possibly] even on the slave question.”⁴⁷ Ultimately, he maintained that if Texans allowed the British to dictate the conditions of their recognition, Great Britain could possibly impose the “severest restrictions and penalties” on individuals who brought slaves into Texas from

⁴⁵ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 24.

⁴⁶ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 24.

⁴⁷ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 24.

the United States, along with appointment of a British official to make sure that these penalties were enforced.⁴⁸

In an attempt to illustrate the fragility of slavery in Texas, Sheridan proposed a number of ways to diminish the importance of African slavery and possibly eradicate it completely in the republic, but never mentioned indigenous slavery. One way in which he believed they could undermine slavery was for the British government to encourage emigration to Texas. In urging immigrants to move to Texas, they would increase the amount of available labor in the country, which would decrease the price of labor and cause the market price of slaves to fall. This would in turn discourage the slaveholding entrepreneur from the United States and indisputably lessen the temptation for captains and crews of slaving ships to engage in the trade. In other words, once slavers realized that revenue earned from their undertakings would decrease substantially and that a strict enforcement of slave trade laws would be in effect, with severe and certain punishment for those caught, the slave trade would disappear.⁴⁹

In addition to making slavery less economically feasible, Sheridan asserted that in conceding recognition Great Britain might make extinguishing slavery a *sine qua non*. This condition would be possible because everywhere, with the exclusion of the coastal areas, the climate of Texas “does not require the Constitution of the Negro.” In certain regions, the weather is severely cold during the winter, which caused slaves to suffer greatly. Consequently, one white man will in that same instance easily outwork two

⁴⁸ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 24-5.

⁴⁹ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 25.

slaves. However, in areas where crops such as cotton and sugarcane were produced, agents argued that white laborers could not work those plantations. Instead, it should be considered that those plantations be “worked for the next five Years by the Coloured Population now in Texas under the System of Apprenticeship, as in the West Indies, prior to thorough emancipation.”⁵⁰ Implementing apprenticeship in Texas, a system that the British government used after abolishing slavery in the British Empire, seemed easily achievable in Texas because Sheridan maintained there were no more than 20,000 slaves there.⁵¹

Recognition needed to be accomplished with all haste, it was maintained, because Texans had already engendered a feeling of hostility towards the United States for not recognizing them faster than they had. More importantly, this sentiment was fading, the population of Texas was rapidly expanding, and success in the Texas Revolution continued to inflate Texans’ sense of their own prowess (not to mention their contempt for the Mexican and Indian populations), giving them confidence that they could remain an independent republic. As a result, Sheridan made it clear that Texas could soon become almost as apathetic towards Great Britain as Texans undoubtedly were towards the United States. Therefore, in considering the favorable terms that could be made, Great Britain should yield an “early recognition.”⁵² Again, as long as encouragement and protection was afforded to emigrants, Britain would gain in a few years a full supply of Texas cotton, equivalent to if not higher quality than that acquired

⁵⁰ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 25.

⁵¹ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 25.

⁵² Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 26.

from Louisiana and Mississippi. Furthermore, if a favored status was introduced in Great Britain regarding Texas' produce, American planters and laborers "working their nearly worn out land in the States would be found cultivating the Virgin Soil of Texas."⁵³ Sheridan went so far as to assert that within twenty years "England (if necessary) might exclude every Bale of Cotton made in the [United] States."⁵⁴ Ultimately, Whitehall ignored Sheridan's proposition.

Two topics, however, continued to permeate the correspondence sent back and forth across the Atlantic concerning Texas: the African slave trade and slavery. By 1835, British public interest in the anti-slave trade movement had diminished but in 1840, it began to revive. The abolitionist and British barrister Nicholas Doran Maillard sought to utilize this revival to the detriment of Texas in an effort to end the slave trade.⁵⁵ Great Britain's initial efforts at suppressing the trade had garnered little support, but after the 1830s, Britain signed several treaties with numerous European powers allowing the mutual right of search of vessels suspected of being involved in the slave trade. However, the United States remained opposed to signing any such treaty. Therefore, Texas's position on the matter was of grave importance because if Texas agreed to such a treaty, Great Britain could use the republic as another example of the United States'

⁵³ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 26.

⁵⁴ Sheridan to Garraway, July 12, 1840, F. O., Texas, Vol. 1, in *BDC-RT*, 26.

⁵⁵ *BDC-RT*, 27n1; Adams, *British Interest and Activities in Texas, 1838-1846* (Gloucester, Massachusetts: Peter Smith, 1963), 55. In 1842, Maillard published a *The History of the Republic of Texas*, which supported the Mexican cause, urged Britain not to ratify any treaties with the Texas Republic, and attempted to dissuade British citizens immigrating to the country. Nicholas Doran Maillard, *The History of the Republic of Texas: From the Discovery of the Country to the Present Time and the Cause of Her Separation from the Republic of Mexico* (London: Smith, Elder, and Co. Cornhill, 1842).

lack of commitment to ending the Atlantic slave trade.⁵⁶ In September 1840, Maillard wrote a letter to Viscount Palmerston outlining the continued movement of slaves from the southern half of the United States to the Republic of Texas. Palmerston, a politician with substantial influence for most of the nineteenth century, had proved himself a formidable member of the Whig Party and been begrudgingly appointed Foreign Secretary by the Melbourne government.⁵⁷ Ships, Maillard asserted, that continued to operate in this illicit trade were American steamers, such as the *Neptune*, *Colombia*, and *New York*.⁵⁸ These vessels, he argued, were making two voyages a month from the United States to Texas, which resulted in an estimated two hundred slaves transported to Texas per ship per month. Therefore, “nothing would be deemed more just...than the Seizure of the Boats” engaged in these activities, since in the eyes of Great Britain, Texas was still part of Mexico and Mexico’s Constitution of 1824 had abolished slavery.⁵⁹ Moreover, even if Texas was considered an independent nation, its legislature had deemed the importation of slaves by sea illegal.⁶⁰ Lastly, the United States, the country to which the vessels belonged, previously demonstrated its dislike of the slave trade by outlawing the trade and seizing ships on the mere suspicion that they were being outfitted for the slave trade. Because the United States had been able to successfully

⁵⁶ *BDC-RT*, 27n1; Adams, *British Interest and Activities in Texas*, 55.

⁵⁷ Palmerston had also developed a reputation, even amongst the Whigs themselves, as being uncontrollable. Consequently, when Prime Minister Melbourne was developing a cabinet in 1835, he refused to recruit Palmerston as his foreign minister because he did not think he could control him. Nevertheless, when he learned that Palmerston would accept no other post, the Prime Minister, knowing of his party’s fragile majority in the House of Commons, allowed Palmerston to assume the position. Coincidence has it, that after Melbourne decided to appoint Palmerston Foreign Secretary he allowed him to devise and operate all features of diplomacy. Gamble, “James Pinckney Henderson in Europe, 38-9.

⁵⁸ Maillard to Palmerston, September 15, 1840, F. O., Texas, Vol. 142, in *BDC-RT*, 27.

⁵⁹ Maillard to Palmerston, September 15, 1840, F. O., Texas, Vol. 142, in *BDC-RT*, 27.

⁶⁰ Maillard to Palmerston, September 15, 1840, F. O., Texas, Vol. 142, in *BDC-RT*, 28.

pour supplies and slaves into Texas, it would not be long before the republic was able to sustain itself and develop its own resources. Consequently, this progress would allow, “Slavery [to be] revived and perpetuated,” along with other institutions that “[are] injurious to our Interests.”⁶¹ Ultimately, Maillard did not support recognition because he saw Texas as still part of Mexico. More importantly, the foreign policy of abolitionism would fail in the republic because Americans continued to pour into Texas with their slaves.

By April 1841, circumstances in Texas had changed drastically. France had by then acknowledged the independence of Texas. Both countries exchanged representatives and began to work on a Franco-Texan bill. Eventually, this bill allowed for the establishment of a French company authorized to introduce 8,000 French immigrants. They were to settle near several forts, around twenty in number. The company commissioned each fort for twenty years along the northern and western frontier from the Red River to the Rio Grande. If the colonists settled in the approved locations, the company would receive 3,000,000 acres of land. Other stipulations revolved around mining, trade, and commerce.⁶² Furthermore, thousands of Anglo-Americans, English, and Germans, along with their families poured into the Republic of Texas. This, coupled with recognition by the United States three years earlier, allowed the republic to consolidate its power. Therefore, Texas possessed stable civil, military,

⁶¹ Maillard to Palmerston, September 15, 1840, F. O., Texas, Vol. 142, in *BDC-RT*, 28.

⁶² Herbert Rook Edwards, “Diplomatic Relations between France and the Republic of Texas,” *The Southwestern Historical Quarterly* 20, no. 4 (April 1917): 341-46.

and naval departments that were more than adequate to protect Texas from any attempt by Mexico to re-conquer the province.

One piece of the aforementioned agenda was achieved. Lord Palmerston and Texas agent James Hamilton were able to hammer out three treaties regarding Great Britain and Texas; a treaty of amity and commerce; a second treaty making Great Britain the mediator between Texas and Mexico; lastly, a treaty bestowing the mutual right to search ships engaged in the African slave trade. The first two pacts, however, would not be implemented unless Texas would willingly assist in policing the trade. Because Texas representatives had spent several years trying to obtain British recognition, Hamilton hastily signed all three in November 1840, although all three had to be ratified by the Texas senate and sent back to Britain before they were official. The first two treaties were sent to Texas on December 3, 1840, but Hamilton delayed the third until January 4, 1841 because of his apprehension regarding the slave trade treaty. British representatives suspected Hamilton of impeding the delivery of the third treaty in anticipation that if the republic approved the first and second treaties, Great Britain would in turn ratify them without waiting on the third. This was not the case. The Texas government quickly sanctioned the first two treaties and sent them to Hamilton on February 12, 1841. Nine days later, a confidential friend of Hamilton, A. T. Burnley, transmitted the slave trade treaty to the Texan government too late for endorsement by congress, which had adjourned.⁶³

⁶³ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 30n2.

James Hook, a commissioner of the Mixed British and Foreign Courts in Sierra Leone, in a letter to Palmerston, asserted that because of Texas's newly established position as a commercial power and its immense value to Great Britain, he believed that a plan could be devised to completely abolish the slave trade and slavery in Texas. Moreover, he argued that accomplishing this "would prove a powerful engine in the hands of Abolitionists towards extinguishing that moral pest in the United States."⁶⁴ Although the importation of slaves was forbidden by the Texas constitution, the Texas government continued to allow slaves to be permitted into country through the United States. While this depleted the number of slaves in the United States, it also prolonged the existence of slavery in the new republic. Yet, because of Texans being "most desirous of forming a Commercial treaty with Her Majesty Queen Victoria," they would "gladly listen to the most liberal terms, as to commercial intercourse."⁶⁵ Therefore, in simply forming a commercial treaty with Texas, and in making the final abolition of slavery in Texas a *sine qua non* of that treaty, the "peculiar institution" in Texas might be given a death blow that would also inflict a "Mortal wound" upon slavery in the United States.⁶⁶

When Texas first declared its independence, its population was rather small, but as the revolution unfolded, the government encouraged planters and slave owners to settle in the republic. Yet, once Texas officially achieved its independence from Mexico in May of 1836, the situation began to change. The population increased exponentially,

⁶⁴ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 30.

⁶⁵ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 37

⁶⁶ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 37.

along with its political clout. In this respect, Texas surpassed the expectations of its most optimistic allies. Because the number of slaves in Texas was low, Hook argued, “it is generally believed that her Government would readily entertain any feasible plan by which this blighting section of her laws might be for ever expelled from her judicial Code.”⁶⁷ Moreover, several powerful friends of abolition resided in the republic and they were predisposed to end slavery if it proved an obstacle to a treaty of commerce with Great Britain. These abolitionists also argued that due to the large number of emigrants from Europe and the northern states of the United States the “moral tone and influence” of these individuals pushed Texas to favor “freedom” rather than bondage.⁶⁸ This happened because some of the slaves in Texas at the time were U.S. slaves rented out by their American owners to Texas planters who could have paid less for wage laborers.

There were no treaties ratified until 1842, but Hook believed the commercial pacts negotiated by Lord Palmerston and his coadjutors in early 1841 illustrated substantial proof of the willingness, on behalf of general commerce, of Great Britain to combine “Commercial interest and philanthropy.”⁶⁹ Furthermore, if the British ministers would extend their goal of abolishing slavery in Texas to include the entirety of the United States, it would solidify their popularity throughout Great Britain and “call forth the lasting gratitude of every friend of the human race.”⁷⁰ In initiating and pushing Texas towards complete abolition, Great Britain could end an institution in a place that might

⁶⁷ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 37.

⁶⁸ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 37-8.

⁶⁹ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 38.

⁷⁰ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 38.

possibly become one of the most extensive slave markets in the Americas. Instead, Texas could emerge as a “*Free* and powerful Republic” between Mexico and the United States, which eventually “must by example and sympathy” promote a change in the southern slave states.⁷¹ Moreover, if the provisions for extinguishing slavery in Texas were transposed to similar treaties, with Spain and Brazil, slavery would “receive its death blow in the New World, and its nefarious pursuit on the Coast of Africa be [rendered] fruitless.”⁷² In other words, this would “*effectually close all the great Markets for Slaves*, and do more towards putting an end to the export Slave trade in Africa than any number of Ships” that may be sent for that purpose.⁷³ Yet again, another Briton failed to mention the Indian slave trade or slavery still prevalent in Texas.

Ultimately, Hook argued that during the early 1840s the general commerce and trade of Great Britain required government intervention to secure new markets for their manufactures. By that time, Britain’s powerful European opponents and the United States were rivaling them in “every Market in the Universe.”⁷⁴ The governments of France and the United States had gained the upper-hand in trade with regards to Texas, but eventually British merchants, ship owners, and immigrants would have their persons and property in the new republic protected by a representative of the British government. In the end, Hook asserted that at that moment the “commercial interests of our Country and the sacred cause of [philanthropy] equally join the appeal to Her Majesty’s

⁷¹ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 38.

⁷² Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 38.

⁷³ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 38.

⁷⁴ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 39.

Government.”⁷⁵ While in hindsight, this goal was unrealistic for the ways in which it overlooked the complex nature of slavery in the United States, Hook’s view of British preeminence in the world illustrates how influential Great Britain believed its own power to be.

Meanwhile, Prime Minister Melbourne’s government found itself in a difficult situation that did not allow it to focus on the Texas treaties. By the summer of 1841, it was clear that a change in government was about to take place because the Melbourne administration had been discredited in all directions, which included details of home policy and foreign policy concerning its European allies. In spite of several setbacks and defeats, Melbourne and his representatives maintained their hold on power, and the change did not come until August 30. In the new government, Sir Robert Peel became prime minister, and Lord Aberdeen replaced Palmerston as the Foreign Secretary. Because the fall of the Melbourne government seemed inevitable to the British public, it is not surprising that Hamilton found it impossible in the last few months to obtain from Palmerston any responses on Texas business. As soon as the governmental transition was complete, he appeared before Aberdeen reinvigorated and with new designs in an attempt to present old arguments in a new light and to push additional treaties on the British government.

Hamilton’s goal with these new treaties was to establish close relations between Great Britain and Texas. On the one hand, if adopted Great Britain would receive preferential treatment in trade with Texas even though the republic had already made a

⁷⁵ Hook to Palmerston, April 30, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 39.

deal with France. Great Britain was to pay only half of the import duty imposed on comparable items from other nations. Other special privileges were outlined, specifically Great Britain's right to purchase Texas timber without a tax. On the other hand, Texas interests were to be backed by a British guarantee of the bonds of the Republic of Texas, for which Texas would pledge "her Revenues, Customs, Taxes and the proceeds generally of the Sales of her public Lands."⁷⁶ Along with the commercial benefits to Great Britain and guarantee of a Texan loan, other stipulations of the treaty dictated that Texas assume one million pounds of Mexican debt as the price of recognition while giving Mexican bondholders preference on land they could acquire in Texas.

In outlining the benefits of this agreement, Hamilton reiterated several of the arguments hitherto submitted Palmerston, but assigned more importance than previously on the risk of Texas being annexed by the United States and the need for hasty action to prevent this. He, like other Britons, highlighted Great Britain's advantage in having access to a continuous supply of cotton outside of the United States, and drew on British resentfulness of Americans and their fear of a U.S. invasion of Canada.⁷⁷ Furthermore, an independent Texas would be both an ally of Great Britain against the United States regarding Canada and an effective barrier against American designs on Mexico. Although Hamilton's arguments were meticulously balanced and constructed to appeal to national jealousy, pride, and commercial advantages, he completely avoided discussing both African and indigenous slavery. There was no mention that Texas might

⁷⁶ Adams, *British Interest and Activities in Texas*, 69.

⁷⁷ Adams, *British Interest and Activities in Texas*, 70.

abolish slavery, but Hamilton had the impudence to assert that that great humanitarian objective was obtainable because signing the third treaty guaranteed the British that Texas legislators would immediately ratify the slave trade treaty. Perhaps Hamilton delayed the third treaty to the United States to obtain approval of his newly proposed resolution, for in all his labors Hamilton was concerned with both acquiring financial support and recognition.⁷⁸

Finally, in October, Aberdeen responded, declining to address the issue and contending that at that time the three previous treaties were all that Great Britain was willing to negotiate. While declining any consideration of any new treaty arrangement, Aberdeen deemed Hamilton's plans significant because he did present them to a number of his cabinet members. One expert opinion on the matter, Chancellor of the Exchequer Henry Goulburn, resolutely paralleled the foreign secretary's stance on the Texas issue. He argued that at that moment the core principles of British foreign policy were to maintain amicable relations with the United States and to avoid any appearance to interfere with American interests. In his official acts, Aberdeen appeared to follow this trajectory and expressed them in his actions when he sent a British representative to the United States to negotiate all matters of contention between the two nations including Texas, with the desire to preserve good relations. However, most of Goulburn's response to Hamilton's agenda dealt with its financial feasibility, which he overtly disapproved of. Regarding the feelings that might emerge from the United States if Hamilton's plan was ratified, he asserted:

⁷⁸ Adams, *British Interest and Activities in Texas*, 70.

If this [trade preference] can be done what will be the feeling of the United States at being excluded from the supply of a Country peopled mostly by her own subjects and governed by a constitution framed on the model of that of the U.S. Will it not engender a feeling of animosity towards us and strengthen that party in America who are laboring to exclude our manufactures from the markets of the United States who are now without a doubt our best customers. And will not this feeling be aggravated by the idea put forth by General Hamilton that Texas is to furnish us all the Cotton and Tobacco that Great Britain can require.⁷⁹

With a history of cautious negotiations by his predecessors, it is not surprising that after Aberdeen's ascension to Foreign Secretary no radical changes took place in foreign policy.

Moreover, if Goulburn's attitude was archetypical of the ministry and of Aberdeen, their official action was to be determined by restraint and deliberation, unlike that of British agents on the ground, who desired immediate action. Former Secretary Palmerston tried to recognize Texas when the ratification of treaties was completed, and for the time being Aberdeen was comfortable continuing on the same course. In addition, at that time there were other pressing matters that he needed to address and he was still unfamiliar with the Texas issue. Lastly, there was still no indication that Texas leaders planned to recommence annexation talks with the United States. Therefore, there was no need to push through a measure to thwart American annexation.⁸⁰

Soon after Hamilton's agreements were rejected, Aberdeen received numerous letters from William Kennedy illustrating his thorough knowledge of Texas affairs,

⁷⁹ Goulburn to Aberdeen, October 1, 1841, F. O., Texas, Vol. 2, quoted in Adams, *British Interest and Activities in Texas*, 71-2.

⁸⁰ Adams *British Interest and Activities in Texas*, 72.

along with offering his services to the foreign secretary to promote British interests.⁸¹ Kennedy was admired by Texans, was treated well by them, and was extremely impressed by the Republic of Texas. Because of his sojourn, he published in 1841 a two-volume study on the history and future of the country. His investigation regarding annexation focused on statecraft and argued for the foundation of “national power and commercial advantages.”⁸² For Kennedy, who began working as an agent for the British government in 1841 and continued to deal with Texas until annexation to the United States. Great Britain’s current prospect was twofold: to extend relations and to curb American expansion to the southwest. Moreover, he argued that the antislavery sentiment in the United States was not the only hindrance to Texas annexation, but that the “high-tariff faction in the North opposed it, and that Texas herself would necessarily have to adopt free-trade principles.”⁸³ Ultimately, Texas might become, in the sphere of Great Britain, a weapon to weaken the defensive policy of the United States.

Because Kennedy had written a study and had already been brought to Palmerston’s attention by Hamilton, he offered his skills to Aberdeen. He first proposed that the British government pay for his expenses in Texas while he attempted to get the

⁸¹ William Kennedy was born and educated in Ireland. He moved to London in 1830, where he met The Earl of Durham, which afforded him the opportunity to accompany Durham to Canada in 1838. After Durham’s retirement, Kennedy traveled in 1839 to the United States and resided in Texas for a few months while collecting material for a book. Published in London in 1841, *The Rise, Progress, and Prospects of the Republic of Texas* (2 Vols), his work outlined the Texas Revolution and prophesized the future of the new country. Kennedy to Aberdeen, October 12, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 43n1.

⁸² Adams, *British Interest and Activities in Texas*, 73.

⁸³ Adams, *British Interest and Activities in Texas*, 73.

slave trade treaty ratified.⁸⁴ Kennedy believed that his popularity in Texas was so great that he would have no problems in achieving this. After receiving no reply, he wrote again on October 20, outlining the most recent intelligence from Texas, that Sam Houston would most likely be elected president again and that the British needed to send an agent to Texas to contact the new administrators of the Texan government. He also asserted that Britain needed to be diligent because “a new revolution [had] broken out in Mexico—military associations for the purpose of overthrowing British rule and influence in North America have been formed, from Maine to Missouri.”⁸⁵ Also, by this time the “planters of Cuba are growing impatient of British interference in the Slave Trade.”⁸⁶ He was also absolutely certain that if the British government did not install or support an independent government in the “South-Western, and North-Western frontiers of the Union, a very few years [would] suffice to place the whole of the territory they covet under the Sovereignty of the United States.”⁸⁷ If this were to happen the maritime and commercial supremacy of Great Britain would be at risk. Even with this flamboyant prediction of a lurking threat to British hegemony, Aberdeen still did not respond, resulting in another letter from Kennedy. On November 6, he addressed the slavery question, where he predicted that it would not be difficult to secure the abolition of slavery in Texas because it was in the republic’s interest to “link herself closely with England” and he could aid in that because of his reputation.⁸⁸ Finally, on November 8,

⁸⁴ Kennedy to Aberdeen, October 12, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 43-4.

⁸⁵ Kennedy to Aberdeen, October 20, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 45.

⁸⁶ Kennedy to Aberdeen, October 20, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 45.

⁸⁷ Kennedy to Aberdeen, October 20, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 46.

⁸⁸ Kennedy to Aberdeen, November 6, 1841, F. O., Texas, Vol. 2, in *BDC-RT*, 46.

Aberdeen interviewed Kennedy, and inside a few days he was granted some type of commission to go to Texas, where he was to gather information for the British government.

Kennedy left Britain in November of 1841. Throughout his second journey to Texas, he wrote several letters detailing his travels. Yet, before he reached his destination an administration change occurred in Texas; Houston had superseded Lamar as president, and Anson Jones was made Secretary of State. Kennedy's first letter from Texas, simply outlined the overall financial depression prevailing throughout the United States, and argued the recession was favorable to Texas because of the increased immigration there. He also asserted that the notion of a "successful invasion of [Texas] by Mexico [seemed] *wholly impracticable*" and continued to illustrate the need to promptly secure a friendship with Texas to stop any possibility of annexation.⁸⁹ At the end of January 1842, Kennedy reported from Austin that the congress was in session, and that as a result of his popularity he was invited to the "bar of the Senate and Chamber of Representatives."⁹⁰ Again, he proclaimed that the delay over the slave trade treaty was caused by Hamilton, but he "urged the immediate ratification of the Treaty" where it passed on January 22.⁹¹

While the exact nature of Kennedy's mission is not evident, the slave trade treaty was eventually ratified during his residence in Texas on June 28, 1842.⁹² However, it is

⁸⁹ Kennedy to Aberdeen, January 10, 1842, F. O., Texas, Vol. 3, in *BDC-RT*, 53.

⁹⁰ Kennedy to Aberdeen, January 28, 1842, F. O., Texas, Vol. 3, in *BDC-RT*, 55

⁹¹ Kennedy to Aberdeen, January 28, 1842, F. O., Texas, Vol. 3, in *BDC-RT*, 55

⁹² Torget, *Seeds of Empire*, 235.

apparent that his appointment was a result of his popularity and the personal influence he had over the Texas legislature, which he used to manipulate them into ratifying the treaty although no mention of Native American slavery or the slave trade appeared. While Kennedy's semi-official tour of the republic influenced the British government, no official diplomatic representative from Great Britain had gone to Texas. However, by mid-1842 the time for an official envoy had arrived. Ten days before the collapse of the Melbourne government, Captain Charles Elliot was assigned to act as the *charge d'affaires* of Texas on August 20, 1841. Aberdeen confirmed his appointment, but his departure was delayed until Texas had ratified the treaties.

Attacks on Texas Slavery: Elliot Arrives in Texas

Several months after Elliot's appointment, Sam Houston once again ascended to the presidency of Texas, on December 13, 1841. In his first annual address to congress, Houston outlined his policies to remedy the disastrous initiatives of his predecessor, Mirabeau B. Lamar. After becoming President of Texas, Lamar took an aggressive approach towards the Native Americans of Texas, who continued to be absent from any British discussion of abolitionism. After a foiled plan for insurrection implicated the Cherokees of East Texas, the president sent troops to occupy land claimed by them. Ultimately, the Texans occupation of Cherokee land led to defeat of the Cherokees and tragic murder of Chief Bowl at the Battle of Neches, which forced the remaining Cherokees into Indian Territory of the United States.⁹³

⁹³ Campbell, *Gone to Texas*, 167-8; Hämäläinen, *Comanche Empire*, 215.

Concerning the Comanches, who continued in the late 1830s to raid along Texas' western frontier, the Lamar administration launched a less successful genocidal campaign. Texas regulars mounted punitive expeditions into Comancheria, often indiscriminately killing men, women, and children. However, they could not stop the raiding and the Comanches retaliated by plundering deep into Texas where they destroyed farms, killed cattle, seized captives, murdered settlers, and disfigured their bodies. After a smallpox epidemic swept Comancheria the Comanches sued for peace and sent representatives to San Antonio in January 1840. Yet, this olive branch of peace failed—after a misunderstanding over captive exchange erupted into violence—leading to the Council House Massacre. Retaliation for the events that transpired in San Antonio came in August of 1840, when Potsanaquahip (Buffalo Hump) led a large force into the Guadalupe Valley where they killed, plundered, and burned their way to the towns of Victoria and Linnville. Yet, the Texas Rangers and their Indian auxiliaries soon thwarted their efforts. In the end, the winter of 1840 saw the majority of Comanches retreating to the North, leaving thousands of square miles of land open to Texas settlers.⁹⁴

Ultimately, President Lamar's aggressive campaign against the indigenous inhabitants not only devastated those populations, but also put immense pressure on the Texas Republic's finances and added tremendously to the debt he inherited from Houston. His three-year crusade had cost countless lives, drained Texas' coffers, and ruined its credit. During his administration, the republic's debt rose from \$2 million to

⁹⁴ Anderson, *Conquest of Texas*, 173-81; Hämäläinen, *Comanche Empire*, 215-16; Campbell, *Gone to Texas*, 169-70; DeLay, *War of a Thousand Deserts*, 75-78.

\$7 million, and the purchasing power of Texas paper money fell to fifteen cents on the United States dollar.⁹⁵ Consequently, when the experienced Elliot reached his post, Texas had become a series of “man-made deserts” and was still reeling from the disastrous presidency of Lamar, which offered the *charge d’affaires*, in his mind, the opportunity to influence the direction the Texas Republic took regarding slavery.⁹⁶ Lamar’s war against what he saw as Comanche-enslavers, in other words, in weakening Texas and placing it in dire financial straits, had in fact opened a diplomatic door for Britons crusading against individuals who they saw as the “real” barbarians: those dealing in African flesh. In strange ways, British anti-slavery in the Southwest borderlands depended upon an aggressively expansive Comancheria that was itself dependent upon slave labor and captivity as a means of production and population growth. Elliot was aware of the dysfunctional world Comanche-Texan war and

⁹⁵ Campbell, *Gone to Texas*, 170; Anderson, *Conquest of Texas*, 197; Siegel, *A Political History of the Texas Republic*, 100-136.

⁹⁶ Elliot had already served in several other positions in the British government, but up until this assignment, he was mostly an administrator rather than a diplomat. Born into a politically involved family in 1801, Elliot inherited a modicum of influence that propelled him forward. His father and uncle were followers of Edmund Burke and the political theories of the French Revolution, along with his father being the sometimes minister of Saxony and friend of William Pitt the Younger. Both of these men influenced Elliot’s philosophical and humanitarian conceptions that drove his actions in Texas. Advancing quickly after entering the navy in 1815, Elliot was appointed to several administrative posts. From 1830 to 1833, he was Protector of Slaves in Guiana; in 1834, he became secretary to the Trade Commission to China; in 1837, he was selected as chief superintendent and plenipotentiary at Canton. At the time of his last appointment, the Chinese government embarked on a mission to stop the opium traffic, which at the time was mostly in the hands of British merchants and importers. The new Chinese restrictions resulted in the development of a large opium smuggling operation conducted by British traders that eventually prompted the Chinese government to demand that all opium held by British merchants be turned over. In an attempt to avoid violence, Elliot complied with the demand and turned over for destruction about four hundred million pounds of worth of opium. British anger and Elliot’s attack on the Chinese war-junks triggered the “Opium War” which resulted in disaster for China. The treaty which ended the war was arranged by Elliot, but was later renounced by both Great Britain and China, resulting in Elliot’s dismissal from his post. While Elliot’s actions in China did not officially disgrace him, they did discredit him. Therefore, it is not surprising that he was quickly sent to Texas to fill his earlier appointment. Adams, *British Interest and Activities in Texas*, 106-108.

diplomacy had made, and saw in it an opportunity for Britain to press its case against black servitude. Texas, so often highlighted in our studies of slavery's expansion, was, during the 1830s and early 1840s, actually a curious crossroad for multiple wars *against* bound labor.⁹⁷ Specifically White pursued its foreign policy of abolitionism in Texas in an effort to end the African slave trade, but, ironically, throughout his mission to end this trade, a completely independent trade of enslaved individuals flourished further inland.

Upon his arrival to Texas in August 1842, Elliot was instructed by Aberdeen to “watch closely all the proceedings of the Texian Govt., not with any hostile view, but simply with the object...to form a just estimate of the power and character of the Texian Govt.”⁹⁸ Elliot quickly took actions in Texas that were conciliatory or exploratory. In Elliot's first meeting with Texas officials, President Houston and the acting Secretary of State informed him that Texas was ready to sign an armistice with Mexico. In response to Elliot's initial report, Aberdeen conveyed his “satisfaction” with Houston's position and statements, and promised the “firm determination of Her Majesty's Government to employ their best exertions to put a stop to the fruitless and desultory War which still exists between Mexico and Texas.”⁹⁹ For several months after reaching Texas, Elliot was in ill health, and demonstrated no real activity. He simply reported on incidents that occurred in the republic, but made two important assertions about Mexico's continued involvement in Texas. First, he insisted that any Mexican attempt to invade Texas would fail. Second, he claimed that there was no prospect of Mexico reestablishing its authority

⁹⁷ DeLay, *War of a Thousand Deserts*, xv.

⁹⁸ Aberdeen to Elliot, July 1, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 78.

⁹⁹ Aberdeen to Elliot, October 3, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 111.

in Texas.¹⁰⁰ Ultimately, during these early months, Elliot's health problems limited his ability to fully examine Texas's viability as an independent nation and therefore there was never any mention of annexation to the United States.

By November of 1842 Elliot's health had improved significantly, but more importantly, his time in Texas had allowed him establish contacts, observe Texas's political climate on the ground, and formulate a grand scheme for the republic. He envisioned Great Britain assisting Texas, the latter becoming a strong and independent nation-state. However, his blueprint included unpopular and unrealistic plans regarding slavery in Texas. Therefore, Elliot wrote his detailed outline for Texas slavery to Henry Unwin Addington, Permanent Under-Secretary for Foreign Affairs and longtime confidant of Aberdeen, in order to remove the Foreign Secretary from any scrutiny associated with his plans. On November 15, 1842, Elliot expressed that a corroding evil and obstacle kept Texas from achieving greatness—the institution of slavery. The plot that he outlined focused specifically on the abolition of slavery, and this goal combined with philanthropic measures would produce advantages for British commerce. In this letter, Elliot stated explicitly what his plan was: “My scheme supposes another Convention in this Country. Slavery to be abolished, the entire abolition of political disabilities upon the people of Colour, *perfectly free trade* to be declared to be a fundamental principle.”¹⁰¹ Furthermore, Elliot argued that the abolition of slavery would prompt “Foreign Merchants, foreign Capital, and foreign enterprise and principles [to

¹⁰⁰ Elliot to Aberdeen, October 17, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 111.

¹⁰¹ Elliot to Addington, November 15, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 128.

make] their way into those great and rich regions by peaceful means,” which would eventually balance the power of the United States on the continent.¹⁰² Additionally, the northeastern United States would embrace the fact that abolishing slavery in Texas would limit the power of the South and West, which would allow a boundary to form, “beyond which Slavery could not advance.”¹⁰³ On the one hand, Elliot acknowledged the difficulty of achieving abolition in Texas because the slaveholding legislature spoke frequently on the lengths in which it would go to preserve the institution and the lawfulness of slavery, which was sanctioned by the Bible. On the other hand, he asserted that the Texian’s “circumstances make them a timid and needy people [who are] ready enough to compound reasonably for a monied consideration.”¹⁰⁴ The abolition of slavery in Texas rested on Great Britain’s ability to provide the republic with a loan to “compensate the present Slave Holders.”¹⁰⁵ Throughout the concluding portions of his letter, Elliot continuously argued that the abolition of slavery in Texas would benefit Britain commercially. However, philanthropic reasoning still reigned supreme for Elliot, rather than economic benefit to the British Empire. For example, he asserted that while slavery was “bad” for the enslaved, “it is ten times worse to the enslaver, and to the Country in which it obtains.”¹⁰⁶ Moreover, it was a “rot at the heart of society, debasing the Master Classes more and more, robbing prosperity of all sense of security.”¹⁰⁷

¹⁰² Elliot to Addington, November 15, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 128.

¹⁰³ Elliot to Addington, November 15, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 128.

¹⁰⁴ Elliot to Addington, November 15, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 129.

¹⁰⁵ Elliot to Addington, November 15, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 129.

¹⁰⁶ Elliot to Addington, November 15, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 129.

¹⁰⁷ Elliot to Addington, November 15, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 129.

Ultimately, Elliot had both a moral and economic reason for ending the African slave trade and slavery, and yet neither figured into the indigenous slave trade and slavery.

Elliot's scheme for Texas involved obtaining commercial advantages for Great Britain that would establish Texas as a powerful and independent state. Yet, like other British travelers to Texas, Elliot's plans were fantastical because Texas slaveholders and some others looked forward to annexation to the United States, were opposed to abolishing slavery, guaranteeing free trade, and extending the franchise to blacks. While all of this seems fanciful imagining, it deserves serious consideration because Elliot sincerely believed that his ideas could be achieved by the use of money. However, in the conclusion of his letter, Elliot admitted this was his private plan and that officially and publicly he would continue the policies of the British government. Even though Great Britain abhorred the institution it would not interfere in the institutions of other countries but regarding the slave trade, Great Britain could "expect a faithful fulfillment of the Slavery treaty" from Texas.¹⁰⁸

While Elliot's suggestion for British operations in Texas to secure the abolition of slavery were grandiose like other British travelers, it was the first time an official British representative expressed this sentiment. Although there is no evidence to suggest that Elliot presented this plan to the president of the Texas republic, it is possible, due to his close relations with the president, that he had discussed his plan at length with Houston before proposing it to the British government. Therefore, Elliot's plan, Texas's closeness to British diplomats, and the possibility of British intervention could be the

¹⁰⁸ Elliot to Addington, November 15, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 130.

tool Houston utilized to frighten the United States into action. In a subsequent letter on November 16, Elliot included a letter, dated November 5, from Houston, which requested that Elliot act as an agent of Texas in securing peace with Mexico.¹⁰⁹ Elliot replied to the president that he would happily act in that capacity, but must await permission from London. In a letter dated December 11, Elliot reported to Aberdeen that “[Houston] had a belief that my visit to Mexico would be productive of advantage to this Country, and further the purposes of Her Majesty’s Government.”¹¹⁰ A few days later Elliot wrote that the “people of Texas are grasping for peace, and the best bidder...to secure the close of this contest upon the basis of [its] consenting place Itself in a position of real *Independence*.”¹¹¹ Furthermore, rumors of annexation in Texas were troubling him, and he felt that delay in the execution of his plan would be fatal. Yet, Elliot continued to argue that he could not “help thinking that money lent to put an end to Slavery in a South West direction in America,” which would give a “place and a voice to the Coloured races.”¹¹² Moreover, the loan would “render...profitable returns as money spent for fortresses and Military works on the Northern frontier of the United States.”¹¹³ Ultimately, Texas would be “effectually separated from the United States of the Union,” and a “liberal Commercial policy [would eventually] detach it from the N. E. States infected by a spirit of Commercial hostility to Great Britain.”¹¹⁴

¹⁰⁹ Houston to Elliot, November 5, 1842, enclosed in letter from Elliot to Aberdeen, November 16, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 130-1.

¹¹⁰ Elliot to Aberdeen, December 11, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 137.

¹¹¹ Elliot to Addington, December 16, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 143.

¹¹² Elliot to Addington, December 16, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 144.

¹¹³ Elliot to Addington, December 16, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 144.

¹¹⁴ Elliot to Addington, December 16, 1842, F. O., Texas, Vol. 4, in *BDC-RT*, 144.

None of Elliot's communications to Addington ever received an official response from Aberdeen. However, William Kennedy throughout the summer of 1842 had urged Aberdeen to send him to Texas in an official capacity. In his requests for an appointment, Kennedy made no suggestions of a political nature. By July, he was appointed consul at Galveston, but his formal appointment was not conferred until September 29.¹¹⁵ Although Kennedy received a position in Texas his actions were severely limited by the British government. Specifically, he was warned not to involve himself in the "difficulties with the Ruling Authorities of Texas."¹¹⁶ Furthermore, he was to leave all matters of diplomacy and policy to Elliot, along with "implicitly [obeying] any directions" given to him.¹¹⁷

For Texas, the end of 1842 saw Elliot on the ground, promoting Texas's future, his vigorous campaign encouraging British action to endorse Texan independence, and, most importantly, the hopeful implementation of his plan in Texas. By this time, Kennedy had not arrived in Texas and British policy regarding the republic had not changed.¹¹⁸ However, that year witnessed a markedly modified position on the part of the British Minister to Mexico, Sir Richard Pakenham, whose communications from his post suggested an utter indifference to the drive toward Texan independence.¹¹⁹ In

¹¹⁵ Aberdeen to Kennedy, September, 29, 1842, F. O., Texas, Vol. 3, in *BDC-RT*, 108-9.

¹¹⁶ Aberdeen to Kennedy, September, 29, 1842, F. O., Texas, Vol. 3, in *BDC-RT*, 109.

¹¹⁷ Aberdeen to Kennedy, September, 29, 1842, F. O., Texas, Vol. 3, in *BDC-RT*, 110.

¹¹⁸ Kennedy departed Great Britain for Texas on November 16, 1842 and did not arrive until early 1843. Adams *British Interest and Activities in Texas*, 117.

¹¹⁹ Sir Richard Pakenham, born in 1797, spent nearly all of his life in the British diplomatic service. Educated at Trinity College, Dublin, was sent to the embassy at The Hague in 1817. After several years of service at European posts he became secretary of legation in Mexico in 1826 and eventually made minister in 1835. Adams, *British Interest and Activities in Texas*, 23n9.

Texas, Elliot had befriended Houston, and his letters sent directly to Aberdeen had obtained the confidence of the minister. Apprehension regarding the possible annexation to the United States was expressed from Elliot alone. He saw the probability of such action, and advocated it as a motive for British activity. Yet Aberdeen never reacted to Elliot's anxiety because he felt he had control of the situation. Aberdeen, distant from events on the ground in Texas, had no concern about American annexation, or at least he believed that there was no need for alarm and no fear of urgent danger from the United States.

In the end, British agents were able to determine the desires of Texans and their government after their failed attempt to achieve annexation to the United States, which revolved around credit and trade. Because the Republic of Texas desired markets for their cotton and loans to deal with their mounting debt, the country's leaders were willing to concede to some of the British government's demands, specifically when it came to the slave trade. While there was no official support to abolish slavery in the Texas Republic some British representatives maintained the grandiose belief that they could eventually convince Texas leaders to abandon the institution of slavery. Furthermore, the abolition of slavery in Texas would become a catalyst to extinguish slavery in the Americas. Yet, none of this would be possible unless the Texas officials ratified all three of the British treaties at once. Therefore, in forcing the Republic of Texas to ratify the slave trade treaty, Britain demonstrated its resolve to end the trade and utilize its political clout to achieve this.

It also illustrates how abolitionism—specifically the abolition of the slave trade—had become a major foreign policy objective of Great Britain. But at the same time, Whitehall’s refusal to use Texas and the possible emancipation of the Republic’s slaves as a weapon, which British agents proposed, to hinder American expansionism and permanently end slavery in the Western Hemisphere suggests that while Great Britain’s foreign policy of abolitionism was important, it was not deemed as crucial as market penetration or commercial expansion. Moreover, the continued promotion of the abolition of African slavery and the slave trade in Texas demonstrates that the British agents were not concerned with other institutions of slavery, such the Native American slave trade and slavery. Ultimately, the abolition of the African slave trade became irrevocably linked to British foreign policy. But even after the Empire’s liberation of its slaves and global mission to end the enslavement of individuals, Whitehall was careful not to allow the nation’s ambitions to threaten its larger goals, even if it meant not pursuing universal emancipation for African or Indian slaves. It was American power in the Southwest, postbellum, which ultimately curtailed the Indian slave trade. And yet, the longer history of the many slaveries and antislaveries, which met on the ground in Texas, suggests that we cannot comprehend that end result without a more complicated picture of Indian diplomacy (and the Indian slave trade as a form of diplomacy). It was a crucial factor—perhaps the crucial factor for powerful actors like Mirabeau Lamar—in discussions too often rendered as disputes Anglo-Texan, Anglo-American, or domestic in their origin.

CHAPTER III

‘THE RICHEST JEWEL IN THE CROWN OF CASTILE’: ATTACKS ON THE ILLICIT SLAVE TRADE IN CUBA

“No! A thousand times no!” This was the poignant response of the slaveholder Marques de Santiago y San Felipe to Britain’s 1841 attempt at expanding the authority of the Cuban Court of Mixed Commission. The proposal, which would allow the commissioners to investigate and emancipate slaves imported illegally into Cuba, looked to Spain like an infringement upon her sovereignty.¹ The Royal Patriotic Society—a group of Creole intellectuals advocating for economic and social advancement on the island—argued that this type of “violent abolition” was in the “highest degree unjust.”² Furthermore, they reasoned, the “prosperity of the island, [and] the cultivation of the soil, depends exactly on the maintenance of Slavery.”³ Another response argued that freeing the “savage Africans” would not “only be injurious to them, since they are unable to enjoy it, [but also that] the property and even the lives, of half a million

¹ *Report of the Marques de Santiago y San Felipe, on the Convention proposed to Spain by Great Britain. On the convention by the British to the Spanish Government regarding the Slave Trade*, enclosed in Turnbull to Aberdeen, November 25, 1841, in Great Britain. *Class B. Correspondence with Spain, Portugal, Brazil, the Netherlands, Sweden, and the Argentine Confederation, Relative to the Slave Trade. From January 1 to December 31 1841 Inclusive* (London: William Clowes and Sons, 1842), 410. [Here after referred to as *Class B-1841*.]

² *Report of the Royal Patriotic Society, addressed to His Excellency their President, on the Connection proposed by the Government of Her Britannic Majesty, for the fulfillment of the Treaties of the Abolition of the Slave Trade, agreed to at the sittings of the 26th and 28th October, 1841*, enclosed in Turnbull to Aberdeen, November 25, 1841, in Great Britain. *Class B-1841*, 415.

³ *Report of the Royal Patriotic Society, addressed to His Excellency their President, on the Connection proposed by the Government of Her Britannic Majesty, for the fulfillment of the Treaties of the Abolition of the Slave Trade, agreed to at the sittings of the 26th and 28th October, 1841*, enclosed in Turnbull to Aberdeen, November 25, 1841, in Great Britain. *Class B-1841*, 413.

civilized beings [would] be condemned to perish.”⁴ Lastly, upon being freed, they would “immediately fall back into a savage state.”⁵

During the first three decades of the nineteenth century, Cuba’s sugar and coffee industries had taken off. Since the expansion and enormous growth of the sugar and coffee export economies relied completely on the African slave trade and slavery, any challenge to the institution met serious opposition from both Cuban and Spanish interests. Yet, at the same time that Cuba experienced its sugar boom, a dramatic philosophical shift swept across the modern world. Abolitionism began to take root on both sides of the Atlantic, and this political movement represented history’s first mass movement to end the slave trade and slavery. This campaign eventually led to Cuba’s slave system being threatened in two major ways throughout the nineteenth-century. Although once leading the world in the selling of slaves from Africa to the Americas in the eighteenth century, Great Britain (along with the United States), after a sequence of arduous parliamentary battles, outlawed the trans-Atlantic slave trade in 1808.⁶ The

⁴ *Report of the Licentiate Don Bernardo Maria Navarro, residing in Matanzas, on the Draft of the Convention regarding Slave Trade, proposed by the British government*, enclosed in Turnbull to Aberdeen, November 25, 1841, in Great Britain. *Class B-1841*, 402.

⁵ *Report of the Licentiate Don Bernardo Maria Navarro, residing in Matanzas, on the Draft of the Convention regarding Slave Trade, proposed by the British government*, enclosed in Turnbull to Aberdeen, November 25, 1841, in Great Britain. *Class B-1841*, 406.

⁶ To further understand the roots of abolitionism and the pressures that eventually led to the abolition of the slave trade and slavery, see Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill, North Carolina: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2006); David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (New York: Oxford University Press, 1999); David Brion Davis, *Slavery and Human Progress* (New York: Oxford University Press, 1984), 107-226; Kenneth Morgan, *Slavery, Atlantic Trade and the British Economy, 1660-1800*, New Studies in Economic and Social History (Cambridge: Cambridge University Press, 2000); Roger Anstey, *The Atlantic Slave Trade and British Abolition, 1760-1810*, Cambridge Commonwealth Series (Atlantic Highlands, N.J.: Humanities Press, 1975); Seymour Drescher, *Econocide: British Slavery in the Era of Abolition*, second ed. (Chapel Hill: The University of North Carolina Press, 2010); Seymour

British-U.S. abolition of the trade illustrated to Cubans and Spanish officials that the Cuban slave trade could end as well. Finally, in 1833, Britain abolished slavery throughout their entire empire. This move demonstrated to slaveholders in Cuba that abolitionism had spread and gained significant momentum. Abolitionists were further encouraged to spread their message throughout the Atlantic basin.

In response to Britain's foreign policy of abolitionism, Spain signed the Treaty of Madrid in 1817, which promised to end its own colonial slave trade by 1820. However, official corruption and the prospect of monetary gain complicated diplomacy. Slave ships eluded British patrols in the Atlantic and Caribbean. Moreover, Cuba's hundreds of waterways allowed smugglers to reach their destinations undetected. Ultimately, Cuba's sugar production increased monumentally, averaging an annual rate of increase of almost five percent between 1820 and 1850, which led to the importation of nearly half-million slaves in the decades following the 1820 deadline.⁷ Such a flagrant violation of the 1817 Treaty of Madrid ushered in a prolonged conflict with the British government.⁸

While Britain's Emancipation Bill of 1833 did not end slavery abruptly, it indicated that slavery had reached its final stages in the British West Indies. At the same

Drescher, *Capitalism and Antislavery: British Mobilization in Comparative Perspective* (New York, 1987).

⁷ David Eltis, *Economic Growth and the Ending of the Transatlantic Slave Trade* (New York: Oxford University Press, 1987), 191, 245.

⁸ The best sources that outline the complexities of the diplomacy surrounding the 1817 Anglo-Spanish anti-slave trade agreement, see Arthur F. Corwin, *Spain and the Abolition of Slavery in Cuba, 1817-1886* (*Latin American Monographs*, No. 9) (Austin, Texas: Institute of Latin American Studies / UT Press, 1967), 17-34; David R. Murray, *Odious Commerce: Britain, Spain, and the Abolition of the Cuban Slave Trade* (Cambridge: Cambridge University Press, 1980), 50-71.

time, it also emboldened abolitionists at home to move against slaveholders throughout the Atlantic basin. In 1839 Joseph Sturge, a Quaker businessman, established the British and Foreign Anti-Slavery Society to promote abolitionism. The following year, Sturge and the Society organized the World Antislavery Convention in London to outline a global policy. By coordinating a trans-Atlantic network of activists to circulate vital information on slave systems in almost every slaveholding region in the Americas, the Society hoped to produce a surge of moral condemnation. At the Convention was a forty-six-year-old Scot and rising star among abolitionists—David Turnbull. Due to his earlier connections with abolitionists abroad and his growing reputation as an ardent abolitionist, Turnbull gained admittance to the inner circles of the British and Foreign Anti-Slavery Society. The son of a Glasgow merchant, he was determined, sullen, and more often than not cynical, but before dying in 1851, his early abolitionist actions in Cuba had helped propel abolitionism to the forefront of Cuban and British trans-Atlantic diplomacy.⁹

Turnbull's relentless attacks on Cuba's slave system have garnered him much attention in the historiography of Cuban slavery. His actions are often associated with the violence of the Escalera—or ladder—conspiracy.¹⁰ Debates abound about the degree of Turnbull's involvement in slave revolts that led to La Escalera. Some scholars argue that Turnbull was the linchpin in the string of slave conspiracies that occurred in Cuba

⁹ Robert L. Paquette, *Sugar Is Made with Blood: The Conspiracy of La Escalera and the Conflict between Empires Over Slavery in Cuba* (Middletown, Conn.: Wesleyan University Press, 1988), 132.

¹⁰ After the failed slave revolt, suspected slaves were strapped to a ladder for interrogation.

between 1841 and 1844.¹¹ Others argue that La Escalera and other schemes were mere fabrications by colonial leaders, used as pretexts to punish both dissident slaves and anti-slavery activists.¹² Other more nuanced interpretations have emerged recently, asserting that “while the conspiracy might have been exaggerated for the purposes of repression it seems very unlikely that the charges were a pure fabrication.”¹³ It seems most likely that the La Escalera plot did exist, “not as one conspiracy but several distinct yet overlapping conspiracies.”¹⁴ It is also abundantly clear Turnbull did promote a revolutionary movement in Cuba, although “confined to the free blacks by the time [he left Cuba in 1842].” The Escalera conspiracy initiated “the end of a decade in which a few British abolitionist had posed the most serious challenge to Cuba’s plantocracy since the independence of Spain’s mainland colonies.”¹⁵ Although these scholars illustrate how influential Turnbull was as an abolitionist and his direct connection to Cuban slaves’ attempts to achieve their freedom through revolt, they neglect the important role Turnbull played in the larger conflict between Britain’s foreign policy of abolitionism

¹¹ Philip S. Foner, *A History of Cuba, and Its Relations with the United States*, 2 vols. (New York: International Publishers, 1962), 1:214-18; Hugh Thomas, *Cuba: The Pursuit of Freedom* (New York: Harper and Row, 1971), 200-6; Arthur F. Corwin, *Spain and the Abolition of Slavery in Cuba, 1817-1886* (*Latin American Monographs*, No. 9) (Austin, Texas: Institute of Latin American Studies / UT Press, 1967), 81; Christopher Schmidt-Nowara, *Empire and Antislavery: Spain, Cuba, and Puerto Rico, 1833-1874*, Pitt Latin American Series (Pittsburgh: University of Pittsburgh Press, 1999), 29; Luis Martínez-Fernández, *Torn between Empires: Economy, Society, and Patterns of Political Thought in the Hispanic Caribbean, 1840-1878* (Athens: University of Georgia Press, 1994), 15.

¹² Herbert Klein, *Slavery in the Americas: A Comparative Study of Virginia and Cuba* (Chicago: University of Chicago Press, 1967), 193-222; Herbert Klein, *African Slavery in Latin America and the Caribbean* (Chicago: Oxford University Press, 1986), 165-192; Franklin Knight, *Slave Society in Cuba during the Nineteenth Century* (Madison: University of Wisconsin Press, 1970), 81, 96.

¹³ Gwendolyn Midlo Hall, *Social Control in Slave Plantation Societies: A Comparison of St. Domingue and Cuba* (Baton Rouge: Louisiana State University Press, 1996), 58.

¹⁴ Paquette, *Sugar Is Made with Blood*, vii.

¹⁵ Murray, *Odious Commerce*, 172, 178.

and diplomatic objectives. Nor have they recognized Turnbull's conduct in Cuba and the responses of Whitehall to those actions, which shed light on the limits Great Britain's political leaders placed the foreign policy of abolitionism. Those arguments have focused on grassroots movements, governmental action, or economics independent of one another. By utilizing all three at once, it becomes clear that it is impossible to pinpoint the exact inspiration for Great Britain's foreign policy of abolitionism at home and abroad. The complicated combination of seemingly contradictory motives to embrace a foreign policy of abolitionism is easily discernable by investigating actions taken by Britons throughout the Atlantic world, along with Whitehall's behavior regarding British citizens' conduct respecting the abolition of the slave trade.

Cuba is a perfect example of how conflicted Great Britain's leaders were when it came to promoting a foreign policy of abolitionism versus advocating for other international aspirations. Initially Foreign Secretary Palmerston took an aggressive approach to Spanish abuses of Anglo-Spanish slave trading treaties. Specifically, he sent David Turnbull, an ardent abolitionist, to Cuba to address those offenses in 1840. At the same time, other Britons abroad and at home engaged in commerce that had direct or indirect links to the slave trade and slavery in Cuba, even though the British Empire had taken the lead in policing the trade and ending its own colonial slavery. Yet, in the face of Spanish, Cuban, and British pressure, Palmerston—when Turnbull's actions began to threaten both British influence and commerce, thereby tempting Cuba to seek protection from the United States—chastised his subordinate's behavior. Palmerston, however, refused to go so far as to recall the troublesome abolitionist because the Foreign

Secretary did support ending the slave trade. Even after Lord Aberdeen replaced Palmerston, he sustained his predecessor's refusal to remove Turnbull, although the new Foreign Secretary did reprimand him. It took an alliance of British merchants in Cuba and London arguing that Turnbull's actions were hindering British commercial interest to convince Aberdeen to separate the positions of the Consul and Superintendent of Liberated Africans. Because this position had been created to oversee the treatment of *emancipados*, the maneuver sharply curtailed Turnbull's power and thus his capacity to meddle in the affairs of Cuban slaveholders.

But the loss of his consulship, along with earlier scolding, failed to convince Turnbull to relax his attacks on Cuba's slave system. Personal circumstances forced Turnbull to leave the island, but the actions taken by the Foreign Office and his countrymen illustrate the limits Great Britain placed on its foreign policy of abolitionism. Specifically, Turnbull's case demonstrates that if abolitionism disrupted larger more important foreign policy objectives, such as expanding British markets or threatening inter-imperial relationships with Spain or the United States, those impulses were restrained. However, those penalties tended to be minor because government officials did not want their constituents to think ending the slave trade had become trivial to the British Empire. Because of this concern, Whitehall attempted to maintain a careful balance between promoting the foreign policy of abolitionism and expanding British international influence and commerce publically. Because Britain's foreign policy of abolitionism inspired particular British agents more than it motivated policymakers in London, a delicate balance emerged between activists' pressure on the periphery of the

empire and those more conservative figures residing in the metropole. Therefore, when abolitionists abroad, such as Turnbull (who wanted the empire to live up to its abolitionist principles) came into conflict with Great Britain's material interests in slave-dominated industries and markets, officials in Whitehall privately, rather than publicly, responded so as to restore the supremacy of commercial prerogatives. Ultimately, in the majority of the cases the foreign policy of abolitionism took a secondary position, while international ties and commerce took the lead.

Cuban Sugar

After the Haitian Revolution erupted in 1791, changes to the world economy came rather quickly, specifically in the sugar and coffee markets. Before the outbreak of violence, French Saint Domingue was the world's leading producer and exporter of sugar and coffee. Yet, after the successful conclusion of the rebellion—the only triumphant slave revolution in the Western hemisphere, and one which led to Haitian independence in 1804—Haiti's sugar and coffee-producing infrastructure collapsed. The disintegration of Haitian production, both during and after the revolution, caused sugar and coffee prices to skyrocket.¹⁶ However, as the cost of these colonial products steadily rose, another Caribbean island rose to take the place of Haiti—Cuba.

Several factors allowed Cuba to become the leading producer and exporter of sugar. As sugar and coffee production gained momentum in Cuba, older lands, formerly used for tobacco cultivation, began to switch to more lucrative commodities. Meanwhile,

¹⁶ Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2004).

previously uncultivated lands in the east and southeast regions opened up. A spurt of planter migration from Saint Domingue, mostly of French origin and fleeing the violence of the revolution, brought planting techniques for sugar and coffee, along with large numbers of slaves to Cuba. Both the successful American Revolution and the disruption of international commerce produced by the Napoleonic Wars, ending in 1815, allowed the island's entrepreneurs to seek and successfully penetrate previously closed markets for Cuban products. Although the Latin American independence movements, beginning in 1810 and lasting until 1825, took a heavy toll on the Spanish Empire, only Cuba and Puerto Rico remained Spanish colonies. In 1833, the British abolished slavery in their West Indian colonies, resulting in declining sugar cultivation in the British Empire, especially Jamaica. Therefore, fresh markets, especially Britain and North America, further stimulated the rise of the sugar and coffee industries, but, more importantly, the need for more slaves and the expansion of slavery.¹⁷

Although coffee planting and cultivation expanded, sugar emerged as Cuba's leading source of revenue.¹⁸ As Cuba's export economy continued to focus on sugar, technological innovations arrived on the island which made the industry more efficient, productive, and profitable. In 1834, with British capital and against Great Britain's abolitionist goals, Cuba began constructing a railway system, which by the 1840s had become the most sophisticated network in Latin America, designed exclusively to serve

¹⁷ Laird W. Bergad, *The Comparative Histories of Slavery in Brazil, Cuba, and the United States*, New Approaches to the Americas (Cambridge: Cambridge University Press, 2007), 17-8.

¹⁸ Eltis, *Economic Growth*, 284-285.

the sugar economy.¹⁹ Eventually, lines connected the fields to the mills, and, finally, mills to port cities.²⁰ Planters also imported the newest modern equipment to speed up the process of making sugar. Steam engines powered the large cane-grinding machines, while vacuum evaporators quickly converted the cane juice into crystalized sugar ready for export.²¹ While Cuba experienced a technological renaissance, the sugar boom on the island also coincided with managerial innovations in the structure and practice of slave labor. Dubbed the “second slavery,” this development illustrated the difference between earlier colonial slavery and the expansion of slavery in the nineteenth century.²² Specifically, nineteenth-century slavery revolved around old and “new commodities, produced in unprecedented quantities, in regions formerly marginal to the Atlantic economy, in reconfigured polities.”²³ In addition, Anthony Kaye maintains that the “second slavery” utilized time-motion studies and torture techniques designed to maximize labor outputs on the part of the enslaved.²⁴ Therefore, new technological

¹⁹ To examination into how British capital found its way into supporting slavery and the industries reliant on the institution, see Jay Sexton, *Debtor Diplomacy: Finance and American Foreign Relations in the Civil War Era, 1837-1873*, Oxford Historical Monographs (New York: Oxford University Press, 2005), 1-19.

²⁰ David Turnbull, *Travels in the West: Cuba; with Notices of Porto Rico and the Slave Trade* (London: Longman, Orme, Brown, Green, and Longmans, 1840), 190; Marika Sherwood, *After Abolition: Britain and the Slave Trade Since 1807*, Library of International Relations Ser. (London: I.B. Tauris, 2007), 92;

²¹ Knight, *Slave Society in Cuba*, 37; Herbert S. Klein and Ben Vinson, *African Slavery in Latin America and the Caribbean*, (Oxford: Oxford University Press, 1986), 98; Jennifer Tan, ‘Steam and Sugar: The Diffusion of the Stationary Steam Engine to the Caribbean Sugar Industry,’ *History of Technology* 19 (1997), 1209; L.H. Jenks, *The Migration of British Capital to 1875*, (London: Jonathan Cape, 1927), 30.

²² Dale W. Tomich, *Through the Prism of Slavery: Labor, Capital, and World Economy* (Lanham, Md., 2004), 56-71; Dale W. Tomich and Michael Zeuske, eds., “The Second Slavery: Mass Slavery, World-Economy, and Comparative Microhistories, Part 1” (special issue), *Review: A Journal of the Fernand Braudel Center*, 31 (No. 2, 2008); Dale W. Tomich, *Slavery in the Circuit of Sugar: Martinique and the World Economy, 1830-1848* (Baltimore, 1990).

²³ Anthony E. Kaye, “The Second Slavery: Modernity in the Nineteenth-Century South and the Atlantic World,” *The Journal of Southern History*, LXXV (No. 3, 2009), 627.

²⁴ Kaye, “The Second Slavery,” 627-650.

advancements and labor techniques led to much more labor-intensive lives for slaves because they were pushed to produce more commodities. This second slavery made revolt even more likely given the vastly more punishing circumstances under which slaves now lived and labored.²⁵ Therefore, Turnbull arrived on an island where enslaved peoples were more prone to rebel and even more open to abolitionist agitation because of the increasingly difficult lives they were leading.

As the sugar revolution enveloped Cuba, a distinct Cuban national identity emerged among elites just as it had throughout other colonies in the Western hemisphere. While the Spanish colonial system was absolutist, Cuban-born elites had a substantial degree of both economic and political power on the island.²⁶ Yet, as the society and economy of Cuba drastically transformed, Spanish officials streamed into the colony where they implemented and enforced efficient taxation policies.

Simultaneously, the powerful Spanish merchant class gained control of the import/export trade and the credit system that sugar planters used to finance their operations. As a consequence, influential segments of Cuban society, along with the Spanish merchant class and political officials were connected to one another through business or personal relationships associated with sugar and coffee and, by proxy, slaves and slave trading. Because of these relationships, there was little to no antislavery sentiment among the

²⁵ Matt D. Childs, *The 1812 Aponte Rebellion in Cuba and the Struggle Against Atlantic Slavery* (Chapel Hill: University of North Carolina Press, 2006).

²⁶ Cuban elites were among the most important sugar planters, held appointed political positions at the municipal council level of local government, were regularly awarded noble titles by generations of Spanish monarchs, and created social, political, and economic that represented them on the island. They were closely tied to Spanish extended families on the peninsula and Iberian political and economic elites as well. Bergad, *The Comparative Histories of Slavery*, 19.

Cuban-born, Spanish administrative class, or intellectual elite during the early nineteenth century.²⁷ Therefore, almost every abolitionist on the island of Cuba was an enslaved person. Thus, David Turnbull's task was to systematize the implicit abolitionism of enslaved peoples by using his position as British Consul to force the issue of anti-slavery upon Spanish and Cuba officials.

David Turnbull and the Cuban Slave Trade

Very little is known of the abolitionist David Turnbull's youth, but he began his career as a correspondent for the *London Times*.²⁸ While in Paris, he acquainted himself with a group of cosmopolitan liberal intellectuals that included French abolitionists. In Spain, he reported over the liberal struggle against the Carlists and commended the efforts of George Villiers, Earl of Clarendon, to negotiate a more efficient anti-slave-trade treaty. Turnbull left the *Times* in 1837 for a three-year tour of the Caribbean in search of evidence for what, for him, had already developed into truth—the preeminence of free labor over bound labor.²⁹

Turnbull resided in Cuba until early 1839, traveling about and collecting information for a book he soon published. On his journey back to Paris, Turnbull stopped briefly in New York, where he met with Arthur Tappan, James G. Birney, and other members of the American Anti-Slavery Society during their March executive committee meeting. By February of 1840, he had finished his study, *Travels in the West*:

²⁷ Paquette, *Sugar Is Made with Blood*, 29-50.

²⁸ Scholar Robert L. Paquette argues that Turnbull's early failures prepared him for radicalism and that he studied law at the University of Glasgow, but never graduated and, apparently, went bankrupt. Paquette provides several sources for Turnbull's earlier life in Paquette, *Sugar Is Made with Blood*, 305n4.

²⁹ Paquette, *Sugar Is Made with Blood*, 132.

Cuba; with Notices of Porto Rico and the Slave Trade, which outlined his strategy to end Cuba's contraband slave trade.³⁰ After its publication, Turnbull went to London where he hoped to launch his audacious proposal to end the illicit trade.³¹

Turnbull's work, *Travels in the West*, initiated an animated discussion in the British press between government officials and prominent citizens, at a juncture when "egalitarian elements of evangelical Protestantism had merged with the economics of the Manchester School into a coherent ideology."³² By this time, Britain's business leaders and politicians had redefined humanitarianism so as to make it compatible with capitalism and the continued projection of British power. Turnbull represented this new moral economy because he considered slavery immoral and called the slave trade in 1840 "the greatest practical evil that ever afflicted mankind."³³ His intimate knowledge of Cuba's slave system afforded him the opportunity to end its slave trade by revealing the lengths individuals went to in order to elude international agreements.

As Turnbull and other abolitionists quickly realized, attempts to suppress Cuba's illicit trade were more superficial than tangible. The 1817 Treaty of Madrid outlawed the slave trade "on any part of the Coast of Africa, [and] to the North of the Equator," and authorized the navies of Britain and Spain to "visit such Merchant Vessels of the 2 Nations as may be suspected, upon reasonable grounds, of having Slaves on board,

³⁰ Turnbull, *Travels in the West*.

³¹ American Anti-Slavery Society, Executive Committee Minutes, March 21, 1839; Turnbull to Lord Leveson, March 10, 1840, F. O. 84/342.

³² Paquette, *Sugar Is Made with Blood*, 132.

³³ Turnbull to Palmerston, March 13, 1840, F. O. 84/342.

acquired by an illicit Traffic.”³⁴ Moreover, slavers and their slaves were to be impounded, where Courts of Mixed Commissions, established at Sierra Leone and Havana, determined the fate of the seized vessels. Both Spain and Great Britain appointed one commissary judge and one commissioner of arbitration for each tribunal. However, if the judges disagreed, they were to draw lots to determine one arbitrator to cast the deciding ballot. If a ship and its crew were found guilty, the contraband slaves were relinquished to the government in whose territory the decision was made—conceivably, to prepare them for freedom.³⁵

Frequent evasion of the treaty occurred due to loopholes and lack of enforcement by Spanish and Cuban officials. Not all nations allowed Britain to stop and verify the nationality of vessels. This gave Spain’s ships involved in the Cuban trade incentive to switch their flags to prevent detainment. Furthermore, seizure required slaves to be aboard. Consequently, outgoing vessels obviously outfitted for slaving sailed safely away. The chief limitation to the treaty rested with bribable Spanish officials. Corrupt Captains-General of Cuba and their subordinates accepted money for contraband slaves brought to the island. Therefore, officials hoping to supplement their meager salaries either overlooked or halfheartedly investigated the importation of slaves. More importantly, when cases did reach the Court of Mixed Commissions, Spanish members often ignored them.³⁶ In a letter to one of his slave-trading captains, Spanish merchant Pedro Diago boasted that with “all the captures made by the English of Spanish vessels

³⁴ *Treaty of Madrid*, September 23, 1817, F. O. 93/99/11.

³⁵ *Treaty of Madrid*, September 23, 1817, F. O. 93/99/11.

³⁶ Corwin, *Spain and the Abolition of Slavery in Cuba*, 59-60

[and adjudicated in Havana] there is not known a single instance of anyone having been punished; for all of them, owing to the assistance of friends, have succeeded in getting off.”³⁷

In the cases where the vessel and crew were condemned, the captured slaves, called *emancipados*, were to collect wages, receive religious training, and be prepared for freedom in return for a term of service of about five years, which could be prolonged by no more than three years. Instead, most fell victim to Cuban labor needs and prejudices that often turned into a lifetime of bondage. Moreover, Spanish officials and white Cubans regarded these men and women, “neither slave nor free, as a nuisance, as an expense to maintain, and even as a threat to the social order.”³⁸ Cuba’s white population also did not want to see the population of free people of color grow, and “news of their [the *emancipados*] condition will surely give rise to reflection [and] contrasts, whose sad results would not be very difficult to predict.”³⁹

An intricate system of earmarking *emancipados* as “donations” to “distinguished and honorable” citizens and prominent religious and educational institutions began under Captain-General Vives tenure.⁴⁰ In 1833, an agreement between the Spanish and British allowed for the transportation of *emancipados* to Trinidad from Cuba at the expense of the Spanish. Although a few hundred slaves made the journey, the practice ended

³⁷ Pedro Diago to Juan Gonzalez Cepeda, Jun 12, 1828, F. O. 84/98.

³⁸ Paquette, *Sugar Is Made with Blood*, 134.

³⁹ Ines Roldan de Montaud, “Origen, evolucion y supresion del grupo de negros ‘emancipados’ en Cuba (1817-1870),” *Revista de Indias* 42 (July-December 1982): 559-64, 568, quoted in Paquette, *Sugar Is Made with Blood*, 134.

⁴⁰ Ines Roldan de Montaud, “Origen, evolucion y supresion del grupo de negros ‘emancipados’ en Cuba (1817-1870),” *Revista de Indias* 42 (July-December 1982): 563, quoted in Paquette, *Sugar Is Made with Blood*, 134.

quickly due to rising slave prices resulting from the 1833 cholera outbreak in Cuba and the arrival of Miguel Tacon in 1834 as Captain-General. The ending of this arrangement ushered in a systematic and lucrative business of purchasing labor by plantation owners. For example, the Count de Casa Barrieto, on November 18, 1834, wrote asking Tacon for twenty-five slaves “at the price Your Excellency has set.”⁴¹ Moreover, Spanish officials actively neglected or forgot the location and terms of service for *emancipados*. Using a “dead” *emancipado*, complete with a burial certificate citing the identity of a truly dead slave, became a very popular way to enslave an individual for life.⁴² And yet, Spanish authorities in 1841 still (disingenuously) argued that 12,000 *emancipados* gained their freedom between 1820 and 1835.⁴³

In 1835, the former minister to Spain, Lord Clarendon, successfully convinced Spain to grant new concessions to the policing of the slave trade. The regency of Maria Cristina, installed in Madrid with British support, consented to an “equipment clause,” which permitted the seizure of ships equipped for the trade, such as additional supplies, shackles, and hatches with gratings.⁴⁴ The new treaty, entitled the Clarendon Convention, reassigned authority over the *emancipados* to administrators of the government whose cruisers made the capture—effectively, from Spanish to British

⁴¹ Manuel Moreno Fraginals, *The Sugarmill: The Socioeconomic Complex of Sugar in Cuba, 1760-1860*, trans. Cedric Belfrage (London: Monthly Review Press, 1976), 140.

⁴² Fraginals, *The Sugarmill*, 140.

⁴³ David Turnbull, *The Jamaica Movement, for Promoting the Enforcement of the Slave-Trade Treaties, and the Suppression of the Slave-Trade: With Statements of Fact, Convention, and Law: Prepared at the Request of the Kingston Committee* (London: C. Gilpin, 1850), 132.

⁴⁴ Treaty Slave Trade, June 28, 1835; Declaration, August 27, 1835, F. O. 93/99/18A.

jurisdiction.⁴⁵ By 1840, Great Britain's executors of its foreign policy of abolition had signed similar search accords with every prominent maritime power excluding the United States. Consequently, slave traders resorted to using the United States registry and flag. Moreover, numerous traders obtained American made clippers, mainly constructed for slaving, to evade British squadrons and thwart searches.⁴⁶ Ultimately, Cuban slave traders imported over 120,000 slaves illegally between the Clarendon Treaty (1835) and the World Anti-Slavery Convention (1840).⁴⁷

Due to the continued evasion of the Anglo-Spanish Treaties Cuban officials and illicit smugglers, Turnbull in early 1840 proposed Whitehall increase the authority of the Court of Mixed Commission by allowing it to examine slaves already in Cuba. Because Great Britain could not free contraband slaves once on Cuban soil, Turnbull insisted that the court be allowed to issue a summons, requiring masters to appear before the court to demonstrate that their slaves were acquired before the earlier Anglo-Spanish accords. Unique social characteristics and physical markings, such as scars and tattoos, made *bozales*—newly imported Africans—tough to conceal regardless of what ploy slaveholders used. Moreover, the court would urge slaves to initiate procedures for themselves. Although Turnbull knew his plan was unlikely to be accepted in Spain or easily realized in Cuba, the objective was to strengthen the Court of Mixed Commission—however constrained in effectiveness by its Spanish members—to

⁴⁵ Corwin, *Spain and the Abolition of Slavery in Cuba*, 47-67; Murray, *Odious Commerce*, 72-113; Paquette, *Sugar Is Made with Blood*, 135.

⁴⁶ Turnbull, *Travels in the West*, 435-72; Murray, *Odious Commerce*, 104-5; Paquette, *Sugar Is Made with Blood*, 135.

increase fear among Cuba's planters about the potential loss of slave property. For Turnbull, the "first degree of liberation will stagger the men who embark their capital in the slave-trade, and the property being made insecure the objects of the traffic will speedily become unsaleable."⁴⁸ Knowing that the slave population failed to naturally reproduce because of both the low fertility and high mortality rates among the Cuban slaves, Turnbull posited that in 1840 the majority of slaves in Cuba had to have entered in the twenty years after the Treaty of Madrid.⁴⁹

In an attempt to strike at the root of slavery, the British government throughout the 1830s and early 1840s, controlled by the Whigs, had embarked on both an aggressive and costly policy to suppress the slave trade. Aware of their actions, Turnbull, in early 1840, upon arriving in London attempted to meet with Foreign Secretary Palmerston. Although not granted an audience with Palmerston, the Foreign Secretary offered encouragement in his minute on Turnbull's letter, but argued that he feared Turnbull's plan "would be difficult of execution."⁵⁰ Yet, Palmerston's support encouraged Turnbull to press both himself and his proposition on the Foreign Office. In early March 1840, because he knew several key individuals in Whitehall and the British public who were abolitionists supported his ideas, Turnbull published an article in the *Morning Chronicle* detailing his proposal, followed by another article in the *London Times* a few days later. After their publication, Turnbull sent a letter to Lord Leveson, aide to Palmerston in the

⁴⁸ Turnbull to Palmerston, February 28, 1840, F. O. 84/342.

⁴⁹ Murray, *Odious Commerce*, 135; Paquette, *Sugar Is Made with Blood*, 136.

⁵⁰ Minute by Palmerston, February 28, 1840, F. O. 84/342.

Foreign Office, in another attempt to gain an introduction.⁵¹ After consenting to receive more details on the matter, Palmerston received a lengthy brief containing a summary of Turnbull's views. In this mandate, Turnbull argued that it was about "making the purchaser and possessor of an African slave" apprehensive about the "unlawful acquisition that he is to be deterred from paying the price."⁵² Ultimately, without notifying Turnbull of his success, Palmerston had Lord Leveson draft an accord, based on Turnbull's proposition, to present to the Spanish government. While Foreign Secretary knew the Spanish would never agree to the memorandum, Palmerston presented his view of the propose to the Foreign Office, which stated:

It is not very likely that we shall persuade the Spanish Government to accede; but if it refuses, the very making of the Proposal will do good—If the Spanish Government consents, such a Convention will do much good; but it would be quite visionary to suppose as Mr Turnbull does that by investing 2 or 3 Mixed Commission with Power to decree the Liberation of Bozal negroes brought before them we could extinguish the Slave-Trade and lay our cruizers up in ordinary—If he could also enact and enforce that every Cargo of Bozal Negroes imported into Spanish Islands or into Brazil should be forthwith brought before the Mixed Commission and set free his Plan would be Effectual; but it is evident at a glance that not one negro in a Thousand would be brought up. This Plan can only be considered as Subsidiary—nevertheless if carried into Execution it would be useful both in Principle and in Practice.⁵³

The head of the slave trade division in the Foreign Office, James Bandinel, knew Britain's foreign policy of abolition could not extend into Cuba because bringing slaves and their masters to the Court of Mixed Commission in Havana directly violated Spanish sovereignty. This type of action required both the Spanish government's and Cuban

⁵¹ Turnbull to Leveson, March 9, 1840, F. O. 84/342; Turnbull to Leveson, March 19, 1840, F. O. 84/342.

⁵² Turnbull to Palmerston, March 13, 1840, F. O. 84/342.

⁵³ Memorandum by Palmerston, March 15, 1840, F. O. 84/342.

authorities' consent, which would never happen. Although Palmerston was fully aware of this, he and Bandinel agreed it pertinent to have the principle of the proposed convention recognized by Spain and Brazil.⁵⁴

Others reiterated Palmerston's misgivings as well. MacGregor Laird, a specialist on Africa, reviewed Turnbull's study in the *Westminster Review*. He argued that in all likelihood no one in Cuba could be convinced to confirm that slaves were illegally imported. Without such testimony no Spanish judge would acknowledge the fact that illegal importation did occur. Laird further explained that if carried out, Turnbull's plan "would shake to its foundation, if not destroy, the whole social fabric in Cuba. The very attempt would be sufficient to create a complete social revolution in society."⁵⁵

Mirroring both Palmerston and Laird, the *Morning Chronicle* asserted: "We are far from thinking that it will be as readily conceded by the Spaniards as [Turnbull] seems to conceive, or as easily carried into execution if conceded."⁵⁶ Even with skepticism from both inside and outside the British Foreign Office, Palmerston penned a message to the British Minister in Madrid, which included a draft treaty based on Turnbull's plan and guidelines to present it to the Spanish government.⁵⁷

Still unaware of the British government's actions regarding his scheme, Turnbull continued to circulate his ideas in public. His agenda's appearance in several newspapers propelled Turnbull to notoriety among abolitionist groups, such as the British and

⁵⁴ Memorandum by Bandinel, April 3, 1840, F. O. 84/318; Memorandum by Palmerston, April 18, 1840, F. O. 84/318.

⁵⁵ MacGregor Laird, *Westminster Review*, vol. XXXIV (June 1840), p. 151, quoted in Murray, *Odious Commerce*, 137.

⁵⁶ *Morning Chronicle*, March 9, 1840.

⁵⁷ Palmerston to Aston, draft no. 13, May 25, 1840, F. O. 84/318.

Foreign Anti-Slavery Society, who offered him an invitation to elaborate on his plan.

Since his proposal emphasized a diplomatic and legal approach to ending the trade rather than a military one, prominent (and pacifistic) members of the British abolitionist society preferred his tactics. In the preface of his work, Turnbull suggested his ideas could “lead to an easy, cheap and almost immediate solution” to the illicit trade.⁵⁸ In the spring of 1840, the abolitionists were preparing for their forthcoming anti-slavery convention.

Coming as it did when British abolitionists had grown frustrated with the long, expensive, and ineffective campaign to stop the slave trade, Turnbull’s was attractive for that reason. More importantly, it also appealed to a frugal Victorian public no longer completely dedicated to bearing the enormous financial burden of ending the slave trade and slavery.⁵⁹

In April 1840 Turnbull wrote Leveson once more, arguing that: The West India body, the British and Foreign Anti-Slavery Society, the African Colonization Society, and several other public bodies, some actuated by philanthropic, some perhaps by interested motives, have expressed themselves with remarkable unanimity in favor of the practicability of the plan. The subject has also occupied a large share of the attention of the press. Almost every existing journal has treated of it more or less minutely: not one of them, so far as I am aware, has withheld its approbation; and I venture thereupon to assume that the public voice has been declared in its favor.⁶⁰

In that same month, *The Monthly Review*, another prominent London periodical published an excerpt from *Travels in the West* and anticipated that his “disclosures and proposals...must force themselves upon the attention of the people of Great Britain,

⁵⁸ Turnbull, *Travels in the West*, viii.

⁵⁹ Murray, *Odious Commerce*, 138.

⁶⁰ Turnbull to Leveson, April 1, 1840, F. O. 84/342.

upon her senators, and rulers.”⁶¹ In addition to this article, the June opening of the World Anti-Slavery Convention neared, where Turnbull played an important role in the proceedings. Due to his previous residence in Paris and acquaintance with French abolitionists, including Francois-Andre Isambert, Secretary of the French Anti-Slavery Society, Turnbull became the obvious choice to introduce the French delegation to those attending. While attending the convention, Turnbull continued to promote his plan, but also began to campaign to be the candidate to implement it in Cuba.⁶²

By the summer of 1840, Turnbull’s plan had the full support of the Anti-Slavery Society and the British government. At this time, both the British Consulate in Havana and Superintendent of Liberated Africans positions had become vacant. Due to these vacancies, Turnbull brazenly recommended in several letters to the Foreign Office, that the Havana Consulate merge with other offices and that this new position be elevated to the status of Consulate General. He also suggested that several vice-consulates be located in ports actively engaged in the slave trade, and that he himself be the first person to occupy this newly constituted office.⁶³

Although Palmerston was not a crusader for universal abolition and based his foreign policy on military and geopolitical calculations, abolitionist principles had taken root in Britain, and he was cognizant of the political power organized abolitionist groups wielded. In the 1830s, their members ridiculed him for not supporting immediate

⁶¹ *The Monthly Review* I (April 1840): 449-64, esp. 453, quoted in Paquette, *Sugar Is Made with Blood*, 137.

⁶² Turnbull to Leveson, April 14, 1840, F. O. 84/342; Turnbull to Palmerston, June 25, 1840, F. O. 84/342.

⁶³ Turnbull to Palmerston, July 4, 1840, F. O. 84/342; Leveson to Turnbull, July 20, 1840, F. O. 84/342; Turnbull to Leveson, July 21, 1840, F. O. 84/342; Turnbull to Tredgold, July 25, 1840, F. O. 84/342; Tredgold to Palmerston, July 25, 1840, F. O. 84/342.

abolition in the British West Indies.⁶⁴ Palmerston may have deemed the nomination of Turnbull—because of his status as an abolitionist celebrity and prominence at the World Anti-Slavery Convention—a firm proclamation to the Spanish and smart domestic politics. Following Turnbull’s offer to fill the Consulate General position, a high-ranking delegation from the British and Foreign Anti-Slavery Society met with Palmerston.⁶⁵ In August 1840, Palmerston appointed Turnbull to the combined positions of British Consul to Cuba and Superintendent of Liberated Africans, which demonstrated that Britain’s foreign policy of abolitionism had taken a more direct approach to quell the rampant abuses of the Anglo-Spanish treaties by sending an ardent abolitionist like David Turnbull to Cuba. After receiving his new appointment, Turnbull promised the members of the British and Foreign Anti-Slavery Society that he would “always be ready to promote the great objects to which they devote themselves by all the means in [his] power.”⁶⁶

The Zealot Arrives: Turnbull in Cuba

By 1840, Cuba had socially splintered, prospered in the sugar industry, accumulated massive numbers of slaves, and was sought-after by expansionist schemers in both Britain and the United States. Therefore, the colony could not afford to have an affirmed abolitionist appointed to a central diplomatic post and thus positioned to sow discord among the island’s slaves. When Turnbull arrived in November to assume his

⁶⁴ Paquette, *Sugar Is Made with Blood*, 138.

⁶⁵ Paul Michael Kielstra, *The Politics of Slave Trade Suppression in Britain and France, 1814-48: Diplomacy, Morality and Economics* (New York, N.Y.: St. Martin, 2000), 197.

⁶⁶ Turnbull to Tredgold, June 25, 1840, cited in Paquette, *Sugar Is Made with Blood*, 138-9.

post, a coalition of Cuban merchants, titled planters, and peninsular officials planned to impede his duties and would, on several occasions, threaten his life. At the same time rumors of an Anglo-Spanish treaty to emancipate Cuba's slaves circulated.

Consequently, his presence and the fear of emancipation increased Cuban anxieties over the future of their slave property and the possibility of a slave-revolt.⁶⁷

In Cuba, the Captain-General Pedro Tellez de Giron, who at the time collected profits from the slave trade, refused to grant Turnbull his exequatur—a written acknowledgement of his position by the host country. He advised the metropole that Turnbull's presence jeopardized colonial stability and demanded his removal.⁶⁸ Representatives from government assemblies, such as the Junta de Fomento, which lobbied for planter and merchant interests, reiterated the Captain-General Giron's concerns with extensive testimonials imploring the Spanish leadership to curtail any attack on Cuba's labor system, whether by Turnbull or anyone else. Again, if the government did nothing Cuba's prosperity and white population would perish.⁶⁹ Despite these warnings and misgivings, Turnbull and his aide, Francis Ross Cocking, assumed their positions of consul and vice-consul because the Maria Cristina regime was indebted to Britain both financially and politically. The Spanish government sympathized with the Captain-General, but had to concede the exequatur and order him to enforce the Treaty

⁶⁷ Paquette, *Sugar Is Made with Blood*, 139.

⁶⁸ Prince of Anglona to Secretary of State, November 19, 1840, *Boltein del Archivo Nacional* 10, September-October 1911): 292-94.

⁶⁹ Junta de Fomento to Queen Isabel, November 28, 1840, in Marrero, *Economia*, 9: 291-92, cited in Paquette, *Sugar Is Made with Blood*, 306n27; Murray, *Odious Commerce*, 142-3; Corwin, *Spain and the Abolition of Slavery in Cuba*, 70-1; Schmidt-Nowara, *Empire and Antislavery*, 29.

of 1835 while it continued to try to persuade Palmerston to replace the energetic abolitionist Turnbull.⁷⁰

Turnbull's appointment crowned a series of indignities Cubans had suffered at the hands of the British. By this time, the *Romney*, full of free African soldiers from Britain's West Indian regiments, had been anchored in Havana harbor to fulfill stipulations of the Treaty of 1835. Specifically, its major task was to take on newly released *emancipados*. However, when the soldiers went ashore violence broke out after white Cubans accused the soldiers of attempting to instigate a slave insurrection.⁷¹ Moreover, rumors of officially sanctioned abolition meetings taking place in Jamaica, where zealous Methodists and Anabaptists frequently predicted the overthrow of slaveholders, continued to petrify Cuba's populace.⁷² As a part of a more active foreign policy of abolitionism, in late 1840 Cuba's West African slave bazaar on the Gallinas River was destroyed when Commander Joseph Denman of the British Navy attacked it. The destruction of the African slave trading market resulted in the loss of thousands of dollars in merchandise and liberated slaves.⁷³ Lastly, R. R. Madden, Turnbull's predecessor as Superintendent of Liberated Africans, traveled to the United States to give his testimony establishing that the slaves aboard the infamous vessel *Amistad* had

⁷⁰ Emilio Roig de Leuchsenring, "Cuba en 1840," *Revista Bimestre Cubana* 46, no. 2 (1940): 165.

⁷¹ To see the hostile response to Turnbull's appointment, the *Romney*, and concerns about the free black soldiers from the ship, see Paquette, *Sugar Is Made with Blood*, 306n8; Corwin, *Spain and the Abolition of Slavery in Cuba*, 59.

⁷² Murray, *Odious Commerce*, 114-20.

⁷³ For more details on Denman's exploits on the African coast and the estimated cost of his attack on the Gallinas River, see Daniel P. Mannix, *Black Cargoes: A History of the Atlantic Slave Trade, 1518-1865* (New York: Viking Press, 1962), 238; W. E. F. Ward, *The Royal Navy and the Slavers: The Suppression of the Atlantic Slave Trade* (London, 1969), 167-74; *The Daily Picayune* (New Orleans), February 6, 1841.

been abducted from Africa.⁷⁴ Therefore, the ship and crew had violated Spanish anti-slave trade treaties. By 1841, the United States Supreme Court, in opposition to Spain's demand that the mutineers be returned to Cuba, freed those slaves. Ultimately, actions taken by other British officials coincided with Turnbull's arrival in November 1840 and led to an outbreak of Anglophobia in Cuba.

Cases of Anglophobia had occurred before, but not with such zeal as seen in the 1840s. In 1838, James Thompson, an evangelical missionary from the London Bible Society, was arrested by the order of Captain-General Miguel Tacon, for preaching that slavery was inhumane.⁷⁵ In the 1840s being British or suspected of being British automatically garnered scorn from Cubans. James Joyce, a British traveler in Cuba, after arguing with several Catalans over British policy, ended up in jail accused of boasting about British intentions to free the slaves and conquer Cuba. Patrick Doherty, a British railway engineer, who inadvertently caused a train collision on the island, was jailed for sabotage.⁷⁶ The South Carolina doctor J. G. Wurdemann, recuperating in Cuba,

⁷⁴ In 1839 fifty-three *bozales*, smuggled from Africa and prepared for reshipment from Havana to Puerto Principe on the Baltimore-made schooner *Amistad*, revolted. In the process of taking over the vessel they killed the captain and a cook, held two other whites captive, and attempted to sail for Africa. When they neared Long Island by mistake, the United States Coast Guard intercepted and detained them until the courts decided their fate. Paquette, *Sugar Is Made with Blood*, 138; Marcus Rediker, *The Amistad Rebellion: An Atlantic Odyssey of Slavery and Freedom* (New York: Penguin Books, 2013); Howard Jones, *Mutiny on the Amistad: The Saga of a Slave Revolt and its Impact on American Abolition, Law, and Diplomacy* (New York, 1987).

⁷⁵ Miguel Tacon to the Spanish minister of state, August 31, 1835, in Miguel Tacon, *Correspondencia reservada del Capitan General don Miguel Tacon con el gobierno de Madrid, 1834-1836*, ed. Juan Perez de la Riva (Havana: Biblioteca Nacional Jose Marti, 1963), 177-9; Miguel Tacon to the Spanish minister of state, March 5, 1836, in Tacon, *Correspondencia reservada*, 223-5; Marcos Antonio Ramos, *Panorama del protestantismo en Cuba* (San Jose, Costa Rica: Editorial Caribe, 1986), 57-69.

⁷⁶ Betancourt to Del Monte, May 22, 1841; Turnbull to Del Monte, June 5, 1841; Betancourt to Del Monte, June 6, 1841, in *Academia de la Historia, Centon epistolario de Domingo Del Monte*, 7 vols. (Havana, 1923-57), 5:24, 26-7, 30; Paquette, *Sugar Is Made with Blood*, 140.

illustrated how he and a colleague failed to get the Lieutenant-Governor to amend their passports so that they could travel to Matanzas. The Lieutenant-Governor granted the change only after a Creole friend intervened. In a conversation after the incident, Wurdemann's friend stated that the Lieutenant-Governor "thought you were Englishmen" and he "did not half like your movements."⁷⁷ Ultimately, being British in Cuba—even *looking* British—became something of a crime unto itself because that linked to abolitionism.

Once Turnbull arrived to Cuba, he quickly provoked most local whites with his continued attacks on the island's slave system. However, he did convert some to his cause. In 1843, Jose del Castillo, a slaveholder, confessed to the British and Foreign Anti-Slavery Society that Turnbull had convinced him of the evils of slavery.⁷⁸ These successes were uncommon because he vigorously pursued his goal of ending the importation of slaves to the colony. While not always reliable, he inherited Madden's extensive intelligence network of slaves, free blacks, liberal Creoles, and informants. Therefore, Turnbull learned the location of illegal slave landings, violations of *emancipado*'s rights, and the whereabouts of laborers kidnapped from the British Empire to work Cuba's sugar plantations, which he utilized to press Whitehall for the need for a more invigorated foreign policy of abolitionism. Although he quickly met staunch resistance from Cuban officials, Turnbull initially had some success. In the month of his

⁷⁷ J. G. Wurdemann, *Notes on Cuba: Containing an Account of Its Discovery and Early History: A Description of the Face of the Country, Its Population, Resources and Wealth, Its Institutions and the Manners and Customs of Its Inhabitants: With Directions to Travellers Visiting the Island* (Boston: John Munroe, 1844), 97.

⁷⁸ Castillo to Hinton, December 13, 1843, cited in Paquette, *Sugar Is Made with Blood*, 140.

arrival, Turnbull negotiated the release of six British subjects enslaved on the island. For their safety, he had a British vessel take them to Nassau.⁷⁹ His predecessor to the Consulate, Charles Tolme, presented Turnbull with another case involving Juan Fontanales, a young man abducted from Sierra Leone and enslaved in Cuba. After successfully securing the man's freedom, Turnbull also attempted to gain repayment of back wages from Fontanales' former owners.⁸⁰ But ultimately, achievements such as these were rare because the Captain-General on most occasions resisted or ignored Turnbull's complaints.

Although Turnbull took on several anti-slavery legal cases during his tenure as Consul in Cuba, two stand out because they directly assaulted Cuba's slave system. Turnbull pursued each with an unwavering passion. One case involved the re-enslavement of an *emancipado* after his release from a slave ship. The other pertained to a British subject kidnapped from Jamaica and enslaved in Cuba. These cases aroused such antipathy from Cuban and Spanish officials that they continuously petitioned the Foreign Office to remove Turnbull.

In December 1840, Turnbull received information from an informant regarding an *emancipado* named Gavino from the African nation of Lucumi. After the British

⁷⁹ Turnbull to Captain-General, November 19, 1840; Captain-General to Turnbull, November 21, 1840; Turnbull to Captain-General, November 23, 1840; Turnbull to Smith, November 24, 1840; Turnbull to Captain-General, November 24, 1840; Turnbull to Cockburn, November 24, 1840; Cockburn to Turnbull, December 8, 1840, enclosed in Turnbull to Palmerston, December 31, 1840; Metcalfe to Turnbull, December 23, 1840; Turnbull to Metcalfe, January 2, 1841, enclosed in Turnbull to Palmerston, in Great Britain. *Class B-1841*, 217-220.

⁸⁰ Secretary of Government to Turnbull, December 1, 1840; Turnbull to Captain-General, December 2, 1840; Turnbull to Villamonte, December 9, 1840; Villamonte to Turnbull, December 15, 1840; Turnbull to Captain-General, December 20, 1840; Secretary of Government to Turnbull, December 22, 1840; Turnbull to Captain-General, December 27, 1840, enclosed in Turnbull to Palmerston, December 27, 1840, in Great Britain. *Class B-1841*, 207-10.

vessel *Speedwell* rescued him, the Court of Mixed Commission in Havana granted Gavino his freedom and placed him in the custody of Dona Luisa Aper de la Paz for religious instruction. However, Gavino learned how to carry water instead. After five years of service, Dona Luisa Aper de la Paz and her descendants repaid a fee to Spanish officials extending Gavino's compulsory service contract for three subsequent terms.⁸¹ Gavino's circumstance presented Turnbull with a test case and the opportunity to "place the iniquity of the whole system in a clear and striking light before the world."⁸² Armed with "undeniable written legal evidence that Gavino really belonged to the class of English *emancipados*" and the understanding that his master would not challenge the case, Turnbull applied for Gavino's release and payment of back wages.⁸³ Turnbull hoped the Captain-General agreed to free Gavino because a favorable judgment recognized Turnbull's authority to police such matters in Cuba. However, the Captain-General quickly rebuffed Turnbull's presumptions, stating that he did "not recognize in [Turnbull] the power to listen to complaints of this nature, and still less that of taking the name of the negro in question, and of making representations in consequence, whether as British Consul or as Superintendent of Liberated Africans."⁸⁴

As a slaveholding colony living in fear of revolt, it is not surprising that the Cuban regime responded with near hysteria and complete resolve to halt any attack on

⁸¹ Turnbull to Palmerston, December 30, 1840, in Great Britain. *Class B-1841*, 210-212; Turnbull to Captain General, December 21, 1840, enclosed in Turnbull to Palmerston, December 20, 1840, in Great Britain. *Class B-1841*, 212-13.

⁸² Turnbull, *Jamaica Movement*, 135.

⁸³ Turnbull to Palmerston, December 30, 1840, in Great Britain. *Class B-1841*, 212.

⁸⁴ Captain-General to Turnbull, December 22, 1840, enclosed in Turnbull to Palmerston, December 30, 1840, in Great Britain. *Class B-1841*, 213.

slavery. The Captain-General knew that Turnbull's support for people of color further agitated a society already experiencing acute internal fissures. The Gavino case had "very serious bearing on the political administration of the affairs" of Cuba, the Captain-General cautioned Turnbull, "because it supposes that you are qualified to listen to complaints and to offer protection to the people of color, and to support their pretensions. Such a state of things might loosen the ties of subordination and obedience."⁸⁵ Ultimately, this affair could have catastrophic consequences for Cuba—rebellion. Consequently, the Captain-General threatened to revoke Turnbull's passport if he intervened in similar cases. Unwilling to accept criticism for what he considered his just crusade, Turnbull passionately retorted:

Since the period when your Excellency thought fit, under the influence of unwise and dangerous councils, to refuse to receive me in the rank and station to which I have been raised by the favor of my Sovereign...I have been daily assailed with the darkest threats of deportation and murder...But your Excellency will permit me to suggest that if I am visited with deportation, the voice of exile will be heard in every corner of Europe; that if I become the victim of assassination, while residing under the immediate protection of your Excellency, the blood of the first martyr which this fair Island shall have given to the cause of freedom will cry aloud for vengeance, and will serve to nourish and invigorate that glorious tree of liberty which first planted under the British banner...is destined to spread...until its shadow encircles the earth throughout the whole extent of the broad girdle of the Tropics.⁸⁶

Responses such as this characterize Turnbull's reactions to impediments and attacks on his legal authority to address the cases of *emancipados* or slaves brought to Cuba after 1820, even though they further alienated him from Cubans. Although his efforts failed in

⁸⁵ Captain-General to Turnbull, December 22, 1840, enclosed in Turnbull to Palmerston, December 30, 1840, in Great Britain. *Class B-1841*, 213.

⁸⁶ Turnbull to Captain-General, December 28, 1840, enclosed in enclosed in Turnbull to Palmerston, December 30, 1840, in Great Britain. *Class B-1841*, 216.

the Gavino case, Turnbull continued to pursue cases with the same zeal even though Whitehall did not respond to the attacks on his authority. The lack of support coming from Great Britain after this incident, demonstrated that Turnbull's commitment to the foreign policy of abolitionism had outstripped Great Britain's dedication to the policy.

While engaged in the Gavino case, Turnbull also took on the case of Henry Shirley, a British citizen abducted from Montego Bay, Jamaica in 1830. The Cuban slaver Antonio le Desma enslaved Shirley and five of his companions in Cuba, which directly violated the rights of British citizens. After changing his name to William Henry, Shirley ended up in Santa Cruz working in a small shop. Somehow, a decade later, Shirley managed to smuggle a message to an aunt in Kingston, which told of his location and the conditions he experienced.⁸⁷ She then informed Jamaica's Governor Metcalfe, who, in turn, transmitted the information to Charles Tolme. By the time word of Shirley's abduction reached Cuba, Turnbull had replaced Tome as Consul and taken personal charge of the case. Yet, after hearing of Turnbull's plan to free Shirley through a case in Court of Mixed Commission, Le Desma secretly took him to Puerto Principe.⁸⁸ The proceedings would have halted there, but Turnbull, using physical evidence and persistence, compelled the Captain-General to act. The subsequent Spanish investigation

⁸⁷ Shirley to his Aunt, September 27, 1840, enclosed in Turnbull to Palmerston, January 24, 1841, in Great Britain. *Class B-1841*, 232.

⁸⁸ Turnbull to Metcalfe, January 2, 1841, enclosed Turnbull to Palmerston, January 2, 1841, in Great Britain. *Class B-1841*, 221; Turnbull to Palmerston, January 2, 1841, in Great Britain. *Class B-1841*, 221.

informed Turnbull “no such person existed in the province of Santiago de Cuba” and that Shirley had died in Puerto Principe.⁸⁹

This charade did not fool Turnbull, but forced him to employ new tactics. Because Metcalfe had discovered witnesses to the kidnapping, Turnbull demanded that Cuban authorities arrest Le Desma and send him to Jamaica. Upon his arrival, Le Desma would face his accusers, possibly merit punishment, and, most importantly, provide information regarding where Shirley was being held.⁹⁰ Naturally, the Captain-General refused to give up Le Desma. Specifically, he claimed that Spanish law prohibited the accused and accuser from confronting one another, and that Turnbull had no power to interfere in Spanish matters.⁹¹ Due to constant Cuban evasion, Turnbull lost patience and petitioned Governor Metcalfe to send the British West Indian squadron to convince the Captain-General to comply with Turnbull’s requests.⁹² Although Metcalfe denied this request, stating he did not “possess any authority...[to use] coercion,” Turnbull never faltered in his pursuit to obtain Shirley’s freedom.⁹³ Once again, Turnbull’s dedicated pursuit of the foreign policy of slavery experienced a major setback by his own government. In the end, decisions on both Gavino and Shirley had to wait until a new Captain-General arrived in Cuba.

⁸⁹ Granada to Turnbull, January 2, 1841, enclosed in Turnbull to Palmerston, January 4, 1841, in Great Britain. *Class B-1841*, 226.

⁹⁰ Turnbull to Captain-General, January 8, 1841, enclosed in Turnbull to Palmerston, January 24, 1841, in Great Britain. *Class B-1841*, 230-1.

⁹¹ Decree, January 20, 1841, enclosed in Turnbull to Palmerston, January 24, 1841, in Great Britain. *Class B-1841*, 233.

⁹² Turnbull to Metcalfe, January 11, 1841, enclosed in Turnbull to Palmerston, January 24, 1841, in Great Britain. *Class B-1841*, 232-3.

⁹³ Metcalfe to Turnbull, January 26, 1841, enclosed in Turnbull to Palmerston, April 14, 1841, in Great Britain. *Class B-1841*, 265-6.

Even with limited successes, Turnbull's disregard of Cuban orders and his unrelenting assaults on the slave system cast serious doubt on Palmerston's decision to appointed an ardent abolitionist as Consul. No matter how much Palmerston wanted to end the slave trade and slavery in Cuba, he had to compromise and cooperate with Spain if he planned to expand British influence there. Palmerston also did not want Cuba to fall into an increasingly expansionistic United States' sphere of influence. Britain's and Spain's governments feared Turnbull's continued agitation might encourage Cuba's Creole population to pursue independence with the aid of their northern neighbors. Anti-slavery activities could not be countenanced by Palmerston if they only managed to push allies or potential allies into the arms of Great Britain's regional rival—the United States.⁹⁴

In response to Cuban complaints, Palmerston in 1841 defended Turnbull, asserting that Spain's failure to enforce the Treaty of 1835 had compelled him to send a zealot to Cuba.⁹⁵ He even argued that Spain had no right to demand Turnbull's dismissal. Instead, the British government possessed the right to have the Cuban officials removed, going “from the Governor downward...because all of them notoriously and avowedly protect the Slave Traders, in violation of the Treaty engagements of the Spanish Crown.”⁹⁶ Moreover, he argued, Turnbull's abolitionist agenda paralleled that of all British citizens. With no actual evidence outlining Turnbull's crimes, Palmerston

⁹⁴ Paquette, *Sugar Is Made with Blood*, 143.

⁹⁵ Right after his arrival in Cuba, Turnbull wrote Palmerston stating that “when your Lordship did me the honor to appoint me to this consulate it must have been foreseen that I was not exactly the person whose presence would be most welcome to local authorities.” Turnbull to Palmerston, December 30, 1840, in Great Britain. *Class B-1841*, 210.

⁹⁶ Palmerston to Flores, August 17, 1841, in Great Britain. *Class B-1841*, 145.

refused to remove him. Yet, unbeknownst to either the Spanish government or the British public, Palmerston did reprimand Turnbull. He commanded Turnbull to exclude “sneer and irony” from his communiqués and to show proper respect in his business with both Spanish and British representatives.⁹⁷ Even though Palmerston’s admonition occurred privately, it demonstrates his apprehension that Turnbull’s challenges to Cuban slavery harmed Britain’s relationship with Spain and the colony. More importantly, it illustrates that the Foreign Office placed a limit on how far it would allow anti-slavery activities to go, especially if those actions threatened larger foreign policy goals such as British commercial ties, the expansion of British influence, and limiting the United States’ global influence. Not only did Turnbull’s actions impact Cuban society in unparalleled ways, but they also alienated him from British merchants and his own colleagues, including the British commissioners on the Havana Court of Mixed Commissions.

In 1833, Charles Tolme was assigned to be the British Consul to Cuba. He had been appointed to the position because he was not a slave trade commissioner, but a merchant. However, by the late 1830s Britain’s commercial interests began to clash with British humanitarian goals, especially the campaign to end the slave trade. From almost the outset of his term in office, Tolme was beleaguered by rumors and allegations of his involvement in the slave trade. Although his participation was never proved, Tolme’s 300£ yearly salary did not cover living in Havana, which forced him to augment his income by trading. Consequently, Tolme’s trading ventures made him guilty by

⁹⁷ Palmerston memorandum, May 8, 1841, F. O. 84/357.

association.⁹⁸ In 1839, due to complaints about Tolme and to prevent further tarnishing British humanitarian objectives, a Foreign Office memorandum appeared, recommending that future Havana appointees were “forbidden from engaging in trade and commerce.”⁹⁹ The following year, with the recommendation of Turnbull, the Anti-Slavery Convention passed a similar resolution. Palmerston agreed with both the Foreign Office and Anti-Slavery Convention’s suggestions and adopted it as official policy.¹⁰⁰ Ultimately, British consuls sent to Havana were forbidden to have any commercial ties to prevent them from engaging, directly or indirectly, in the slave trade. This move made Cuba paradoxically opposed to Britain’s policies throughout Latin America. During this time period Great Britain’s major goal was expanding commercial interests, but in Cuba they were subordinated to the often-opposed foreign policy of abolitionism’s goal of suppressing the slave trade.¹⁰¹

Once in Cuba, Turnbull reiterated the new policy to the British commissioners, James Kennedy and Campbell J. Dalrymple, because of their reputations. Kennedy, the British judge, although opposed to owning slaves, admitted to renting them in Cuba.¹⁰²

⁹⁸ Murray, *Odious Commerce*, 139-40; Paquette, *Sugar Is Made with Blood*, 145; Farida Shaikh, “Judicial Diplomacy: British Officials and the Mixed Commission Courts,” in *Slavery, Diplomacy and Empire: Britain and the Suppression of the Slave Trade, 1807-1975*, eds. Keith Hamilton and Patrick Salmon (Brighton England: Sussex Academic Press, 2009), 49.

⁹⁹ Unsigned memorandum, July 29, 1839, F. O. 84/274.

¹⁰⁰ Palmerston to British commissioners, draft, August 24, 1840, F. O. 84/ 312.

¹⁰¹ Until the 1860s, Cuba was an exception to British policy in nineteenth century Latin America. D. C. M. Platt argued that “trade and investment formed the basis of British interest in Latin America, and trade, together with the protection of the lives and property of British subjects was the preoccupation of British diplomacy.” D. C. M. Platt, *Finance, Trade and Politics in British Foreign Policy, 1815-1914* (Oxford: Clarendon Press, 1971), 312; David R. Murray, *Odious Commerce: Britain, Spain, and the Abolition of the Cuban Slave Trade* (Cambridge: Cambridge University Press, 1980), 140.

¹⁰² Kennedy to Palmerston, December 17, 1840, F. O. 84/312. He was eventually reprimanded by Palmerston. Palmerston to Kennedy, May 6, 1841, F. O. 84/347.

Yet, the most egregious case involved the clerk of the Court of Mixed Commission. This individual had bought and sold slaves, along with punishing his *emancipado* servants in the same “manner of the Country.”¹⁰³ Even with the court’s murky history, Turnbull retained the belief that “when a treaty or contract had...been violated, it was the undeniable right of the party aggrieved to choose its own agents, and to select its own mode of bringing the infraction under the notice of the other contracting party.”¹⁰⁴ Therefore, it was Turnbull’s right and duty to continually inform and challenge Cuban officials over violations of the slave trade. To his disappointment, the Captain-General did not share the same view, which prompted Turnbull to repeatedly prod Kennedy and Dalrymple to take a more active role in protesting treaty abuses and performing investigations. However, both men shared the Spanish opinion that the court possessed no clear legal right to engage in investigations.¹⁰⁵ Because of the commissioners’ and Turnbull’s conflicting views, he and his aide, Francis Cocking, openly chastised and promoted criticism of the two men. Cocking, in a letter to the British and Foreign Anti-Slavery Society, remarked sarcastically that “the one lives about 2 leagues in the country where his whole time is occupied in the study of Ornithology, and the other, poor man, is

¹⁰³ The clerk admitted to his misdeeds and received a harsh reprimand. Jackson to Palmerston, August 18, 1840; Leveson to Jackson, August 26, 1841, F. O. 84/347; Farida Shaikh, “Judicial Diplomacy: British Officials and the Mixed Commission Courts,” in *Slavery, Diplomacy and Empire: Britain and the Suppression of the Slave Trade, 1807-1975*, eds. Keith Hamilton and Patrick Salmon (Brighton England: Sussex Academic Press, 2009), 53.

¹⁰⁴ Turnbull to Aberdeen, October 30, 1841, in Great Britain. *Class B-1841*, 354.

¹⁰⁵ Commissioners to Palmerston, October 14, 1841, F. O. 84/347; Commissioners to Palmerston, October 12, 1841, F. O. 84/349; Commissioners to Palmerston, October 14, 1841, F. O. 84/349; Commissioners to Turnbull, June 9, 1841, enclosed in Turnbull to Palmerston, June 23, 1841, in Great Britain. *Class B-1841*, 307.

too simple to do good, and too innocent to do harm.”¹⁰⁶ An official from the United States argued that Kennedy appeared to have “a personal feeling on the subject of slavery,” but he did not promote it. Creoles labeled them as “priests who preach the morality they do not practice.”¹⁰⁷ Although his investigations of the Court of Mixed Commission ended the scandalous practices of British officials, Turnbull’s abrasiveness, continued interventions, and unsubtle impugning of their honor, aroused resentment from his colleagues. However, it was not until Palmerston enacted the policy of separating British officials in Cuba from the realm of commerce, a policy championed by Turnbull, that their dislike of him turned hostile.¹⁰⁸ Ultimately, Turnbull’s criticism of his counterparts on the island created enemies who eventually attacked him, but also ended the possibility of effective cooperation against a common foe—the slave trade.

Enemies All Around: A New Captain-General and Radicalized Cubans

In early 1841, abolitionist prospects saw some progress in Cuba. Anglophile General Baldomero Espartero overthrew Maria Cristina’s government in Spain, which brought changes throughout the Spanish Empire.¹⁰⁹ In Cuba, the coup led to the removal of Captain-General Pedro Tellez de Giron. Geronimo Valdes, another Anglophile, a veteran of the Spanish-American revolutions, and former provincial governor, replaced

¹⁰⁶ Cocking to Thredgold, June 28, 1841; Cocking to the British and Foreign Anti-Slavery Society, March 8, 1843, *British and Foreign Anti-Slavery Society Papers*, G77.

¹⁰⁷ Paquette, *Sugar Is Made with Blood*, 144.

¹⁰⁸ Shaikh, “Judicial Diplomacy,” 57; Paquette, *Sugar Is Made with Blood*, 144-5.

¹⁰⁹ For some information on Esparteo, see E. Christiansen, *The Origins of Military Power in Spain, 1800-1854* (London: Oxford University Press, 1967), 47-98.

Giron.¹¹⁰ Valdes brought experience and dedication to Cuba, but, more importantly, he had orders to enforce the Treaty of 1835. Once in Cuba, Valdes promptly began his mission to bring the colony into line with the long-ignored treaty. First, he met with the major slave traders and gave them six months to stop their illicit trading. He also made it illegal to register foreign-made vessels under the Spanish flag, which slavers regularly used to evade searches. Valdes then closed Havana's *barracoons*—holding depots for contraband slaves—which had been bartering in flesh in the middle of the city for years. Lastly, he ordered the entire slaveholding community, prominent institutions, and individuals, to submit reports assessing the impact which emancipating slaves imported after 1820 would have on Cuba.¹¹¹

Due to Valdes' initial actions, Turnbull and other abolitionists were optimistic.¹¹² However, Turnbull quickly lost his enthusiasm because of rumors that Valdes earned a portion of slave-trading profits from both the Martinez and Mazonra firms. Moreover, the closing of the *barracoons* was a façade. Turnbull's sources asserted that Valdes instructed the slave traders to remove contraband slaves from the view of the public and hide them in either planter- or merchant-owned buildings spread throughout Havana.

¹¹⁰ Valdes' military career began in 1808 after joining Oviedo and other students rebelling against Napoleon's occupation of Spain. After fighting in the Napoleonic Wars, he was sent to Peru in 1816, serving there until Spain's defeat. Valdes was an *ayacucho*, one of several hundred Spanish officers at General Rodil's surrender to Bolivar at the end of the Spanish-American revolutions. Paquette, *Sugar Is Made with Blood*, 145; Murray, *Odious*, 146.

¹¹¹ Eltis, *Economic Growth*, 200-1; Laird W. Bergad, Fe Iglesias García, and María del Carmen Barcia, *Cambridge Latin American Studies*, vol. 79, *The Cuban Slave Market, 1790-1880* (Cambridge England: Cambridge University Press, 1995), 65; Paquette, *Sugar Is Made with Blood*, 145-6; Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade, 1440-1870* (New York, NY: Simon & Schuster, 1997), 666-7.

¹¹² Turnbull to Metcalfe, January 23, 1841, enclosed in Turnbull to Palmerston, January 24, 1841, in Great Britain. *Class B-1841*, 234.

Although Turnbull could not corroborate any of the charges, his relentless prodding forced Kennedy and Dalrymple to investigate them. In the end, both men found Turnbull's accusations to be unsubstantiated.¹¹³

Even with his reservations about Valdes, Turnbull tested the Captain-General's commitment to end the slave trade in other ways. While continually besieging Valdes with complaints about the unabated slave trade and relentlessly pursuing cases to free wrongfully enslaved individuals, Turnbull recommenced his mission to gain freedom for Gavino and Henry Shirley. Turnbull hoped to obtain the right for British officials to investigate cases regarding the illegal importation of slaves to the island. The results would prove mixed. Even after Valdes, attempted to claim, once again, that Shirley had died, Turnbull unrelentingly petitioned the Cuban authorities to release Shirley and prosecute Le Desma for his crimes.¹¹⁴ Eventually the new Captain-General, because of Turnbull's persistence, had the Governor of Puerto Principe send Shirley to Havana to have him submit an official declaration of his citizenship.¹¹⁵ Eventually, the Cuban authorities freed Shirley after assessing his testimony.¹¹⁶

¹¹³ Turnbull to Kennedy and Dalrymple, April 26, 1841; Turnbull to Kennedy and Dalrymple, May 18, 1841, F. O. 84/357; Kennedy and Dalrymple to Palmerston, May 22, 1841, F. O. 84/358.

¹¹⁴ Turnbull to Captain-General, March 28, 1841, enclosed in Turnbull to Palmerston, April 14, 1841, in Great Britain. *Class B-1841*, 266-7; Turnbull to Captain-General, June 10, 1841, enclosed in Turnbull to Palmerston, June 28, 1841, in Great Britain. *Class B-1841*, 322.

¹¹⁵ Metcalfe to Turnbull, April 17, 1841; Turnbull to Captain-General, May 11, 1841; Captain-General to Turnbull, May 15, 1841; Turnbull to Captain-General, May 17, 1841, enclosed in Turnbull to Palmerston, May 17, 1841, in Great Britain. Great Britain. *Class B-1841*, 274-6; For Shirley's official declaration, see *Declaration of Henry Shirley*, June 9, 1841, enclosed in Turnbull to Palmerston, June 28, 1841, in Great Britain. Great Britain. *Class B-1841*, 319-21.

¹¹⁶ Captain-General to Turnbull, no date; Turnbull to Captain-General, June 10, 1841; Captain-General to Turnbull, June 14, 1841; Captain-General to Turnbull, June 18, 1841; Captain-General to Turnbull, June 21, 1841; Turnbull to Captain-General, June 22, 1841, enclosed in Turnbull to Palmerston, June 28, 1841, in Great Britain. *Class B-1841*, 318, 321-3, 326, 328-31.

Gavino's case did not end with freedom; Valdes took the same legal approach the Captain-General before him did. According to Valdes, the Treaty of 1835 failed to outline the person, rank, or quality of the representative, which would be assigned the duty of overseer. Turnbull responded with a royal decree of 1826 that permitted anyone the right to condemn abuses of Spain's anti-slave trade agreements. Valdes quickly retorted that Turnbull had no "power to watch over the fulfillment of the treaties" and that by law only Mixed Commission members had that authority.¹¹⁷ Moreover, because Turnbull was a foreign representative, he could not act as the public accuser in any legal procedures, even if Spanish law acknowledged the right to denounce treaty violations. In a later letter, Valdes added that he had "never denied...to one high contracting party the right" to have their treaties fulfilled "by the means pointed out by the laws of nations."¹¹⁸ Furthermore, the Captain-General of Cuba had "no other superior but her Majesty's Government...and so long as that Government does not authorize me to recognize those or other faculties in you, I neither could nor ought to recognize them without failing in the most sacred of my duties."¹¹⁹

Turnbull failed to appreciate that no Captain-General, no matter what their political leanings, would voluntarily grant a foreign representative, especially an abolitionist, the investigatory power Turnbull wanted. Moreover, Cuba's Creoles,

¹¹⁷ Captain-General to Turnbull, May 23, 1841, enclosed in Aston to Aberdeen, November 20, 1841, in Great Britain. *Class B-1841*, 201; Turnbull to Captain-General, May 24, 1841; Captain-General to Turnbull, May 25, 1841, F. O. 84/357.

¹¹⁸ Captain-General to Turnbull, October 19, 1841, enclosed in Turnbull to Aberdeen, October 30, 1841, in Great Britain. *Class B-1841*, 363.

¹¹⁹ Captain-General to Turnbull, October 19, 1841, enclosed in Turnbull to Aberdeen, October 30, 1841, in Great Britain. *Class B-1841*, 363.

including those against the slave trade, would never approve of a procedure that challenged their ownership of property. All of Turnbull's British colleagues and critics had illustrated this to him. A government, unless suicidal, must secure and protect the property rights of its citizens. Yet, the democratic revolutions and interconnectedness of international economics encroached, challenged, and in some cases destroyed the relationship between the metropole and peripheries, further complicating the international order. The growing population of Creoles, free blacks, and slaves in Cuba, created a separate identity from the Spanish Empire, which led to increased tensions between the colony and the metropole. These obstacles were further exacerbated by Turnbull's attacks on Cuba's slave system, which by this point had become the bedrock of Cuban prosperity and the principal source of wealth filling Spain's coffers.

In an effort to weaken Turnbull's arguments for a more direct foreign policy of abolitionism, Valdes complied with his orders to determine Cuban attitudes on expanding the powers of the Anglo-Spanish treaty. Although the sampling was limited, he reported that the individuals polled were "noted for their prosperity and social position."¹²⁰ In an effort to appear unbiased, Valdes did ask a few "whose opinions approximate to those of prejudiced foreigners interested in abolition either from pure fanaticism or with other designs which they cloak under veils of humanity or philanthropy."¹²¹ After hearing of the proposed inquiry, Turnbull protested that the

¹²⁰ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Murray, *Odious Commerce*, 146-7.

¹²¹ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Murray, *Odious Commerce*, 146-7.

“evidence to be transmitted to Madrid will consist of...notorious individuals who have made themselves rich by their slave trade adventures.”¹²² Naturally, the reports were overwhelmingly against expanding the authority of the Court of Mixed Commission.¹²³ In his request for the reports, Valdes outlined three themes: Spanish judicial sovereignty, economic prosperity, and Cuba’s national dignity.¹²⁴ Mirroring his earlier responses to Turnbull, Valdes chose two objections, from the numerous letters he received, to paraphrase Cuba’s case. First, giving more judicial power to the British commissioners was intolerable and it would lead to the ruin of Cuba. Second, there was no Spanish law to justify such a maneuver and to give a foreign court expanded authority with no right of appeal would make a mockery of Spanish justice. Furthermore, as several of the reports emphasized, no provision existed in the Anglo-Spanish slave trade treaties that allowed the expansion of powers.¹²⁵

Valdes was not beholden to the slave trade, but he knew that if the British commissioners obtained more authority through the foreign policy of abolitionism, “Spain might as well forfeit Cuba to Britain.”¹²⁶ Therefore, he reinforced the planters’ objections with his own. He addressed the growth of the white population and the possibility that free white labor could replace slavery. Valdes asserted that Cuban

¹²² Turnbull to Palmerston, August 31, 1841, in Great Britain. *Class B-1841*, 341.

¹²³ Turnbull and his colleagues acquired copies of the reports and forwarded them to London. Turnbull to Aberdeen, November 6, 1841; Turnbull to Aberdeen, November 25, 1841, in Great Britain. *Class B-1841*, 365-387, 388-424; Turnbull to Aberdeen, December 18, 1841, F. O. 84/359.

¹²⁴ Circular of the Captain-General, August 16, 1841, enclosed in Turnbull to Aberdeen, November 6, 1841, in Great Britain. *Class B-1841*, 365.

¹²⁵ Murray, *Odious Commerce*, 147; Arthur F. Corwin analyses the reports in Corwin, *Spain and the Abolition of Slavery in Cuba*, 69-73.

¹²⁶ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Paquette, *Sugar Is Made with Blood*, 148.

agriculture could not and should not be left to white labor by echoing the common argument regarding the draining effect tropical climates had on whites. Furthermore, to see “a white man bent under the weight of fieldwork at the side of slaves clashes with established ideas in this country.”¹²⁷ Valdes knew Spain had to preserve slavery in Cuba to maintain control over the colony. He emphasized that the loyalty of Cubans stemmed neither from “the singular virtue of its [white] natives nor their favorable disposition toward the interests of the mother country.”¹²⁸ The Spanish military presence in the colony placated white Cuban’s fear of a slave revolt. This in turn kept colonists obedient. More importantly, prominent Creoles “constantly clamor for the promotion of the white population because they know that if the day comes when it is superabundant, they would be able to say without risk an everlasting good-bye to Spain.”¹²⁹ Valdes recommended a government program endorsing natural reproduction for slaves because British interference in Cuban affairs would not end if the illicit slave trade continued. Looking to their northern neighbors, Cuban plantations had to remedy sexual imbalances, support marriages, alleviate the burden on pregnant slaves, develop hygiene and supervision for newborn slaves, and “finally, to adopt rules that seem best able to reduce mortality.”¹³⁰

¹²⁷ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Paquette, *Sugar Is Made with Blood*, 148.

¹²⁸ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Paquette, *Sugar Is Made with Blood*, 148.

¹²⁹ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Márcia Regina Berbel, Rafael de Bivar Marquese, and Tâmis Parron, *Slavery and Politics: Brazil and Cuba, 1790-1850*, trans. Leonardo Marques (Albuquerque: University of New Mexico Press, 2016), 203.

¹³⁰ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Paquette, *Sugar Is Made with Blood*, 148; Berbel, Marquese, and Parron, *Slavery and Politics*, 203.

Valdes concluded his report with five principles that the Cuban government needed. First, Spain needed to choose new Captains-General very carefully. The stakes had risen to new heights in Cuba because “a more vital question is discussed, which is that of the eternal separation from the rest of the Monarchy.”¹³¹ Second, all power in Cuba needed to reside with the Captain-General. Third, individual interests should expand the white population in Cuba. Fourth, the populations needed to be balanced “not precisely in number, but by strength and importance, procuring the increase...by all the means within the capacity of the Government and not in opposition to the strict observance of the letter of the treaties.”¹³² Lastly, Spain must follow the Laws of the Indies—a seventeenth century legal code produced by Spain for its overseas possessions—in order to circumvent “dangerous innovations” and to have a more proficient imperial government.¹³³

In the early 1840s, Cuba and Spain relied on one another’s support, both politically and financially. By this time, Cuba had become the “pride, hope and joy of Spain. It is cherished as the only fraction left of the world which once owned Spain as mistress. Cuba is the place whence revenue comes and whither every bankrupt Spaniard goes in order to rob *ad libitum*.”¹³⁴ Sugar had made Cuba the “bright jewel” of the “crown of Castile,” causing consecutive Spanish governments to rely on the island to

¹³¹ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Paquette, *Sugar Is Made with Blood*, 149.

¹³² Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Paquette, *Sugar Is Made with Blood*, 149.

¹³³ Valdes to the Minister of Foreign Affairs, November 3, 1841, cited in Paquette, *Sugar Is Made with Blood*, 149.

¹³⁴ George Villiers to Edward Villiers, March 6, 1836, in *Life and Letters of the Fourth Earl Clarendon*, ed. Herbert Maxwell, 2 vols. (London: Edward Arnold, 1913), I: 94.

pay their loans, money which, even though it was diametrically opposed to British foreign policy of abolitionism, mostly came from Great Britain.¹³⁵ On various occasions, rumors made their way to Britain, alleging that Spain might sell Cuba or place a lien on the island to repay Spanish debts. The outbreak of war with the United States, and possibly France, hindered Britain from owning Cuba even if it was Palmerston's end goal. However, the flow of credit empowered Britain to increase its unwanted influence on the island. Therefore, Valdes had to navigate between the paradoxical demands of two essential parties for the regime: Cuba's plantocracy united against immediate abolition and a liberal British government that seemed to most Cubans and outside observers determined to impose it. Even though the Espartero regime, trying not to anger Great Britain and Palmerston, refused to invoke Article 7 of the Treaty of 1835, Valdes wanted the Spanish government to use it. This article stipulated that the "two high contracting parties" could change at their "pleasure the place of residence of the court held within its own dominions."¹³⁶ Valdes hoped that if the court moved from the politically turbulent Cuba, the *Romney*, and, conceivably, Turnbull would follow. The Court of Mixed Commission's relocation did not occur, but the Spanish government's strategy of using public opinion had its desired effect because it provided ample evidence to substantiate their rejection of Britain's proposal expand the court's authority. When Valdes polled Cubans he carefully selected a small group of peninsular and creole

¹³⁵ Memorial of the Tribunal of Commerce of the Havana to the Provisional Regency of Spain, on the Abolition of Slavery and the Slave Trade, March 30, 1841, enclosed in Turnbull to Palmerston, May 25, 1841, in Great Britain. *Class B-1841*, 298.

¹³⁶ *Treaty of Madrid*, June 28, 1835, F. O. 93/99/18A.

opinions because he wanted to illustrate the unanimity displayed by Cubans regarding Britain's proposal to force emancipation on them. Although the responses were meticulously selected, the Spanish government, an autocratic and closed society, took a considerable risk by allowing elites to openly debate the pros and cons of Turnbull's plan and therefore Britain's foreign policy of abolitionism. By the 1840s, the Cuban planters were conscious of their slave society's weaknesses, along with the hazards of replenishing their slave populations with the Atlantic slave trade. While the majority of the reports presented to the Captain-General highlighted the necessity of abolishing the slave trade and stimulating European immigration, the seriousness of their proposals are questionable because the slave trade persisted. Therefore, Cuba would continue to be plagued by British abolitionism. Ultimately, the island's slave trading interests amplified their campaign to discredit and expel Turnbull from Cuba.

In an effort to turn white Cubans against Turnbull and Great Britain, the slave traders escalated their verbal war against abolitionism in Spain and Cuba. The vigilance of the slave trading interests was also entrenched in the metropole. Mariano Torrento, a proslavery member of the Spanish Parliament (and on the payroll of the slave traders) asserted that Turnbull's presence was "an unfavorable omen, an inseparable obstacle to the tranquility of the country, and a banner under the shadow" of those against slavery, who wanted their plan to triumph.¹³⁷ Therefore, numerous Spanish ministers kept diplomatic channels open with Whitehall in an attempt to expel Turnbull, whom they considered an agitator attempting to weaken Spain's foothold in Cuba. In early 1841, the

¹³⁷ Paquette, *Sugar Is Made with Blood*, 143.

Spanish government gave minister Antonio Gonzalez plenipotentiary powers and sent him to London to negotiate Turnbull's removal. The appointment of Gonzalez and a glut of letters demanding Turnbull's removal presented in London and Madrid overwhelmed the British minister in Madrid, Arthur Aston.¹³⁸ In February 1841, he wrote Palmerston, stating: "Anything that endangers the prosperity of Cuba becomes a vital question to Spain, as the Government depends entirely, at present, upon the revenues of that Island for the means of meeting the pressing exigencies of the State."¹³⁹ At the same time, the Spanish government figured Cuba's taxes to 11,000,000 *reales*. Yet, the dispatches complaining about Turnbull convinced the Spanish Minister of Finance not to discount their bills, which threatened the stability of the government because the money was intended to pay the Spanish army.¹⁴⁰ At the end of March 1841, Gaspar Betancourt Cisneros, an influential Creole planter from Puerto Principe and advocate of ending the slave trade, wrote of his conversation with several individuals where one suggested that in Cuba "one hundred thousand men have sworn to assassinate every living Englishmen the moment England obtains a blank check in the business of our slavery."¹⁴¹ The Cuban businessman Francisco Jimeno argued that propaganda spread "among the masses [pointed to] the self-interest of the English [as] the only motive" for their so-called philanthropy.¹⁴² He claimed, in other words, that Britain wanted to destroy Cuba "in

¹³⁸ Ferrer to Aston, February 16, 1841, enclosed in Aston to Palmerston, February 23, 1841, in Great Britain. *Class B-1841*, 10-12.

¹³⁹ Aston to Palmerston, February 23, 1841, cited in Murray, *Odious Commerce*, 151.

¹⁴⁰ Murray, *Odious Commerce*, 152.

¹⁴¹ Betancourt to Del Monte, March 30, 1841, in *Academia de la Historia*, 5:14; Paquette, *Sugar Is Made with Blood*, 140; Murray, *Odious Commerce*, 145.

¹⁴² Jimeno to Sanguily, April 1886, cited in Paquette, *Sugar Is Made with Blood*, 143.

order to have the monopoly of the cultivation of [sugar] cane in the Indies” and that Turnbull was their agent to achieve this goal.¹⁴³ Although Jimeno saw these accusations as “ridiculous,” any “idea contrary to slavery was seditious and the word abolitionist the greatest of crimes.”¹⁴⁴ Ultimately, both the Cuban authorities and Spanish government needed Turnbull removed before he caused irreparable damage to Great Britain’s diplomatic relationship with Spain.

Luckily for the Cubans and Spanish, Turnbull’s actions had completely isolated him by the beginning of summer of 1841. British members of the Mixed Commission, infuriated by Turnbull’s imputations of misconduct, had sided with British businessmen in Cuba, Spanish administrators, and the slave-trading interest. They began a concerted and full-frontal attack on Turnbull, and persisted in their open denunciation of him to Valdes, Palmerston, visiting dignitaries, and nearly anyone else who would listen. More importantly, both Valdes and the commissioners continued to reject particular cases brought to the court by Turnbull, at the same time spreading rumors of his imminent removal.¹⁴⁵ In May 1841, Turnbull wrote to a feeble Thomas Clarkson, a founding father of abolitionism, complaining of his impotence in the face of “the rancorous hostility with which all my efforts are counteracted by the gentlemen of the Mixed Commission and more especially by the English members of the Court.”¹⁴⁶

¹⁴³ Jimeno to Sanguily, April 1886, cited in Paquette, *Sugar Is Made with Blood*, 143.

¹⁴⁴ Jimeno to Sanguily, April 1886, cited in Paquette, *Sugar Is Made with Blood*, 143.

¹⁴⁵ Turnbull to Palmerston, April 13, 1841, F. O. 356; Turnbull to Kennedy and Dalrymple, May 18, 1841; Valdes to Turnbull, May 24, 1841, F. O. 84/357; Captain-General to Turnbull, May 23, 1841, enclosed in Aston to Aberdeen, November 20, 1841, Captain-General to Turnbull, June 12, 1841, enclosed in Turnbull to Palmerston, June 28, 1841, in Great Britain. *Class B-1841*, 201, 324.

¹⁴⁶ Turnbull to Clarkson, May 31, 1841, *British and Foreign Anti-Slavery Society Papers*, G77.

Finally, in July 1841, the Spanish government thought it had discovered definite proof of Turnbull's subversive agenda. A letter written from Havana on May 1, 1841, and printed in the July issue of the *British and Foreign Anti-Slavery Reporter*, the voice of the British and Foreign Anti-Slavery Society, indicated that "abolitionist principles" had begun "to take root in [Havana,] and at Matanzas."¹⁴⁷ The article then went on to state that "every servant of her Majesty appointed to hold a commission in [Cuba] should be an abolitionist," and that this was the "opinion, and the particular wish, of all the abolitionists of [Havana], who, although few in number, are influential in means."¹⁴⁸ Not surprisingly, the Spanish government assumed that Turnbull had written it. While the letter undoubtedly articulated Turnbull's own opinions, in all likelihood his protégé, Francis Ross Cocking, had written the letter because Cocking had become the newspaper's correspondent in Cuba.¹⁴⁹ Spanish officials, however, used this letter and others printed in the *British and Foreign Anti-Slavery Reporter* as evidence of an abolitionist "Cuban conspiracy" led by Turnbull. Furthermore, the Cubans and the Spanish saw this correspondence as proof that a slave revolt had been "primed in both cities and needed only a match to set the island alight."¹⁵⁰ Even though Cocking's letter was vague, his British readers could see it as progress for the abolitionist movement and that anyone sent to Cuba needed to possess a missionary zeal for abolitionism. It was

¹⁴⁷ "Proceedings in Cuba," *The British and Foreign Anti-Slavery Reporter* (London), Wednesday, July 14, 1841.

¹⁴⁸ "Proceedings in Cuba," *The British and Foreign Anti-Slavery Reporter* (London), Wednesday, July 14, 1841.

¹⁴⁹ If you read the entire letter it becomes quite obvious that Turnbull did not write this letter because Cocking signed it by simply reversing his initials to C.R.F. "Proceedings in Cuba," *The British and Foreign Anti-Slavery Reporter* (London), Wednesday, July 14, 1841.

¹⁵⁰ Murray, *Odious Commerce*, 153.

also imperative that people at home knew of anti-slavery's progress in Cuba. Throughout their tenure in Cuba, both Turnbull and Cocking exaggerated their accounts and successes in the colony, because they saw themselves as missionaries for the cause of abolition. Therefore, they were overjoyed when a case was successful, but since victory was a rarity, both men tended to inflate their accomplishments to keep up morale and to retain support from Britain.¹⁵¹

Three days after the article appeared, the Spanish Ambassador received a copy of it in London to show Palmerston.¹⁵² After the bombardment of letters advocating for Turnbull's removal, Palmerston wrote him, stating that "unless you change your course of conduct towards those with whom you have intercourse, and leave off getting into needless Quarrels with every Body with whom you have to deal," his presence in Cuba would no longer benefit Britain or the help end the slave trade.¹⁵³ Yet, the new evidence did not persuade Palmerston to recall the troublesome abolitionist.¹⁵⁴ Simultaneously, Madrid sent dispatches instructing the Captain-Generals of Cuba and Puerto Rico to immediately find and expel from the islands the person or persons encouraging the slave population to revolt. Each communiqué warned against admitting any foreign consul

¹⁵¹ Murray, *Odious Commerce*, 153.

¹⁵² Florez to Palmerston, August 4, 1841, in Great Britain. *Class B-1841*, 110-11. Florez to the Minister of Foreign Affairs, August 14, 1841; Florez to the Minister of Foreign Affairs, August 30, 1841, cited in Murray, *Odious Commerce*, 153.

¹⁵³ Palmerston to Turnbull, August 5, 1841, F. O. 84/358.

¹⁵⁴ Palmerston to Florez, August 17, 1841, in Great Britain. *Class B-1841*, 142-46; Florez to the Minister of Foreign Affairs, September 30, 1841; Florez to the Minister of Foreign Affairs, October 21, 1841, Murray, *Odious Commerce*, 153.

without a comprehensive background check.¹⁵⁵ Ultimately, Spain could not afford another Turnbull fiasco.

By the end of summer in 1841, anxieties had reached their climax in Cuba. Fortunately for Spain, Turnbull's reputation plummeted even further when the abolitionists fractured over Palmerston's support for free trade in sugar. That issue ultimately caused the Whig government to collapse, ushering the Tories into power. Lord Aberdeen then replaced Palmerston as Foreign Secretary. Because of the change in government, at the end of July, Captain-General Valdes compiled a list of Turnbull's most heinous offences, which he was sure would persuade the new British government to take action.¹⁵⁶ Aberdeen had less patience or tolerance for Turnbull's behavior, and the Spanish government could now realistically hope to effect Turnbull's removal.¹⁵⁷ But while he was more conciliatory toward Spain than his predecessor, Aberdeen, like Palmerston, refused to recall Turnbull without explicit proof of his wrongdoings.¹⁵⁸ There was still no concrete evidence that Turnbull was abusing his power or threatening British commercial interests on the island. Therefore, Britain's foreign policy of abolitionism survived and Turnbull, as both Consul and Superintendent of Liberated Africans, remained engaged upon his crusade in Cuba. Cuban officials, meanwhile, continued to scramble for any evidence that might prompt his removal.

¹⁵⁵ Minute of a royal order to the Captains-General of Puerto Rico and Cuba, August 3, 1841, cited in Murray, *Odious Commerce*, 153.

¹⁵⁶ Gonzalez to Aston, November 3, 1841, enclosed in Aston to Aberdeen, November 20, 1841, in Great Britain. *Class B-1841*, 195-200.

¹⁵⁷ Florez to Aberdeen, September 22, 1841, in Great Britain. *Class B-1841*, 164-165.

¹⁵⁸ Aberdeen to Florez, October 18, 1841, in Great Britain. *Class B-1841*, 191-92.

Half a Victory: Turnbull's Removal as Consul

In such a charged atmosphere, minor incidents took on exaggerated significance. After Turnbull first arrived in Cuba, a shipment of British tableware appeared in the harbor etched with depictions of slaves dancing around the flag of liberty. Cocking reported that the “excitement caused” on the island had been “so great, that it is believed the Custom House will cause every crate of English Earthen Ware, which may exist in the place, or may arrive here after, to be opened and examined.”¹⁵⁹ Minor incidents such as this, coupled with apprehensive planters, added to the already turbulent climate and inspired rumors of protests and plans for the assassination of Turnbull. Cuban slave interests saw Turnbull's proposal for emancipation as a potential disaster. Therefore, he became the object upon which all the fears fabricated by the slave system became fixed. The image of Turnbull at the center of all issues related to the slave trade, slavery, *emancipados*, free peoples of color, or Creole agitation, fostered the belief that abolitionist-inspired conspiracies were widespread. Ultimately, a slave insurrection in the fall of 1841 and Turnbull's investigations into abuses of the Treaty of 1835 further bolstered the conviction.

After nearly a year of Turnbull being in Cuba, a violent uprising of about forty slaves occurred in October 1841 during the construction of a home for one of Cuba's wealthiest planters, Domingo Aldama. Valdes described the slaves involved as members of the Lucumi secret society, who were “militant and insubordinate by nature.”¹⁶⁰

¹⁵⁹ Cocking to Tredgold, May 1, 1841, *British and Foreign Anti-Slavery Society Papers*, G77.

¹⁶⁰ Valdes to First Secretary of State, October 9, 1841, cited in Paquette, *Sugar Is Made with Blood*, 151.

Because of their mistreatment and unfulfilled demands for monetary compensation, the slaves refused to work and disobeyed any commands, including those of Aldama.

Consequently, Valdes sent troops. The soldiers soon opened fire, resulting in the deaths of ten slaves and the wounding of several others.¹⁶¹ In response to these actions, Valdes asserted “this action has been in the final analysis extremely useful in this capital, where the voices of emancipation spread by some agent of the British abolitionists, encouraged in the blacks their irresistible propensity to rise up and to throw off the yoke.”¹⁶²

Moreover, Valdes thought Havana should use arms, a familiar occurrence in the countryside, not only to reestablish authority, but also to reassure white residents of their safety. At the same time, Valdes reminded General Espartero that for him to preserve public tranquility, he needed to “eject from this country the British Consul Mr. David Turnbull.”¹⁶³ In December, after the Aldama incident, Gaspar Betancourt Cisneros described the situation from Puerto Principe as “so bad...that one cannot even speak rationally, because he is labeled a rebel—or an abolitionist, which is now worse than a rebel.”¹⁶⁴ After receiving an anonymous letter warning of an assassin being paid to kill him, Turnbull even admitted “if a negro insurrection should unhappily arise, I am deliberately of the opinion that I cannot hope to escape the unreasoning impulse of the fury of that wretched portion of the community which desires the perpetuation of the

¹⁶¹ Turnbull’s account of what took place on Aldama’s estate, Turnbull to Palmerston, October 30, 1841, in Great Britain. *Class B-1841*, 359; Bergad, *The Comparative Histories of Slavery*, 210.

¹⁶² Valdes to First Secretary of State, October 9, 1841, cited in Paquette, *Sugar Is Made with Blood*, 151-2.

¹⁶³ Valdes to First Secretary of State, October 9, 1841, cited in Paquette, *Sugar Is Made with Blood*, 152.

¹⁶⁴ Betancourt to Del Monte, December 5, 1841, in *Academia de la Historia*, 5:50.

Slave Trade.”¹⁶⁵ Yet, neither the domestic politics or death threats slowed Turnbull; he remained on the offensive by investigating new cases, which in turn continued to feed the fears of Cuban planters and Spanish officials that subversive activities persisted.

In an effort to directly apply Great Britain’s foreign policy of abolitionism in Cuba, Turnbull left Havana in late November, accompanied by a compatriot Goff. Their destination was a coffee plantation in the Cardenas region, and their mission was to investigate allegations that an expatriate named Forbes had kidnapped about 120 former Bahamian slaves and shipped them to Cuba after the 1833 Emancipation Bill passed. Although Forbes had recently died, their earlier emancipation afforded them the rights of British citizenship because they had been born within the empire’s borders. Before reaching their destination, Turnbull and Goff stayed in the Hotel de Comercio in Matanzas, where according to earlier reports, two or three of Forbe’s former slaves worked. After his arrival, Turnbull had the black workers come to his room where he asked them various questions about their treatment and birthplace. One witness described the incident, stating several people “watched the Consul and on becoming suspicious of his conduct immediately informed the Governor.”¹⁶⁶ The governor of Matanzas, Antonio Garcia Ona, sent representatives to the scene to assess the situation. Once there, the agents mistakenly identified Goff as a British military officer and sequestered his passport. Turnbull failed to produce one, which resulted in his forced

¹⁶⁵ *Extract from a Letter addressed to Mr. Turnbull*, November 15, 1841, enclosed in Turnbull to Aberdeen, November 25, 1841; Turnbull to Aberdeen, November 25, 1841, in Great Britain. *Class B-1841*, 359; Bergad, *The Comparative Histories of Slavery*, 423-24, 287.

¹⁶⁶ Tanco to Del Monte, November 20, 1841, in *Academia de la Historia*, 7:163-4.

removal to Havana. The governor diligently collected several accounts of the episode, which he then forwarded to the Captain-General. Because of this evidence—especially the fact that Turnbull had interviewed people of color privately—Valdes ordered the district official to look out for abolitionists or foreigners disseminating revolutionary propaganda to the slaves.¹⁶⁷ Never dissuaded from his mission, Turnbull took on another case while returning to Havana. James Thomson, a Bahamian abducted and sold into Cuban slavery, sought the aid of Turnbull after hearing of the British consul's exploits on Havana's docks. Due to several requests for information by Bahamian officials, a witness to the abduction surfaced. Turnbull promptly brought the eyewitness to Cuba for inspection by Spanish authorities. Throughout December 1841 and January 1842, Turnbull and Spanish authorities argued over the nature of Thomson's citizenship and release into British custody.¹⁶⁸ Nevertheless, a legal adviser to the Captain-General informed Turnbull, after hearing the testimony, that "three witnesses was necessary to

¹⁶⁷ Turnbull to Aberdeen, December 27, 1841, F. O. 75/586; Turnbull to Crawford, July 24, 1842, F. O. 84/401; Crawford also wrote a letter about Governor Garcia Ona, see Crawford to Aberdeen, May 21, 1843, F. O. 84/463.

¹⁶⁸ Cockburn to Turnbull, December 27, 1841, Deposition of Aba Thomson, December 14, 1841; Deposition of Peter Dean, December 15, 1841; Turnbull to Captain-General, December 30, 1841; Turnbull to Captain-General, December 31, 1841; Captain-General to Turnbull, December 31, 1841; Turnbull to Cabarga, January 1, 1842; Turnbull to Captain-General, January 1, 1842; Captain-General to Turnbull, January 1, 1842; Turnbull to Captain-General, January 2, 1842; Captain-General to Turnbull, January 2, 1842; Captain-General to Turnbull, January 3, 1842; Turnbull to Captain-General, January 4, 1842, Turnbull to Captain-General, January 6, 1842; Turnbull to Cocking, January 7, 1842; Cocking to Turnbull, January 7, 1842; Captain-General to Turnbull, January 8, 1842; Turnbull to Captain-General, January 9, 1842; Captain-General to Turnbull, January 11, 1842; Turnbull to Captain-General, January 12, 1842; Declaration of James Thomson, January 17, 1842; Turnbull to Captain-General, January 17, 1842; Turnbull to Captain-General, January 18, 1842; Captain-General to Turnbull, January 19, 1842, enclosed in Turnbull to Aberdeen, January 31, 1842, in Great Britain. *Class B-1841*, 104-111, 112-128; Aberdeen to Turnbull, February 9, 1842, in Great Britain. *Class B-1841*, 102-3; Turnbull, *The Jamaica Movement*, 219-20.

overcome the presumption against a black man's liberty."¹⁶⁹ Yet again, Turnbull's actions in Matanzas and his persistence in the John Thomson case prompted another attempt by Spanish officials to limit or end the influence of Britain's foreign policy of abolitionism by removing him.¹⁷⁰

By January 1842, British resistance to Great Britain's foreign policy of abolitionism had developed in Cuba, Turnbull's predecessor, Charles Tolme, and his British merchant friends formed an alliance to exact vengeance against Turnbull. They argued that because the consul's commitment to protect British commerce had become a secondary agenda, and his continued agitation regarding the Cuban slave system affected business interests, Turnbull needed to be bridled. Therefore, the London merchants and ship-owners that traded with Cuba combined forces with the British merchants in Havana to petition Aberdeen to rein in the unruly consul. Ingeniously, they did not request that Turnbull be removed completely. Instead, they framed their argument to illustrate that because the position of Superintendent of Liberated Africans, the embodiment of the foreign policy of abolitionism, and Consul were combined British interests in Cuba suffered. Consequently, they needed to be separated, which allowed Turnbull, as Superintendent of Liberated Africans, pursue the foreign policy of abolitionism and to quarrel as much as he wanted over slave trade matters without

¹⁶⁹ Turnbull to Aberdeen, January 31, 1842, in Great Britain. *Class B-1841*, 129. Turnbull had paraphrased what Cocking wrote to him on January 10, 1842. See Cocking to Turnbull, January 10, 1842, enclosed in Turnbull to Aberdeen, January 31, 1842, in Great Britain. *Class B-1841*, 130.

¹⁷⁰ Valdes to the Minister of Foreign Affairs, November 30, 1841; Minute of dispatch to the Spanish Ambassador, London, December 20, 1841, cited in Murray, *Odious Commerce*, 154.

obstructing the growth of British commerce.¹⁷¹ When taken together, these petitions, Turnbull's repeated objections to Spain's policies regarding slavers, his confrontations with British capitalists on their links to Cuban slave-trading firms, and Spanish officials' constant demands to remove him, caused Aberdeen great concern.¹⁷² On February 12, 1842, Aberdeen informed Spain's minister in London that Britain had no intention "at present to press upon the government of Spain the question of a convention, for the purpose of examining generally into the condition of negroes in Cuba."¹⁷³ In an effort to reach a conciliatory agreement over the slave trade, Aberdeen rejected Palmerston's aggressive policy towards Spain. Therefore, this was also a tacit denunciation of Turnbull's abolitionist scheme and the foreign policy of abolitionism. On the same day that Aberdeen informed the Spanish minister of Britain's new policy, he wrote Turnbull of his decision to separate the two offices. However, Aberdeen authorized Turnbull to remain as the Superintendent of Liberated Africans.¹⁷⁴ After losing his position as Consul, Turnbull wrote Joseph Sturge asserting the "reasons assigned for this separation" were "that information has reached Lord Aberdeen that British interests in Cuba have suffered in consequences; and that my conduct as Consul has not been

¹⁷¹ Petition of twenty-one ship-owners and merchants of London to Aberdeen, January 12, 1841; Petition of sixteen ship-owners and merchants of Havana to Aberdeen, January 20, 1842, F. O. 84/611; Valdes obtained a copy of the Havana petition and forwarded it to Spain, in Valdes to the Minister of Foreign Affairs, no. 4, December 6, 1841, cited in Murray, *Odiours*, 363.

¹⁷² Joseph Crawford replaced Turnbull as consul and found no evidence linking the merchants to the slave trade. See Crawford to Aberdeen, October 12, 1842, F. O. 84/401.

¹⁷³ Aberdeen to Sancho, February 12, 1842, in Great Britain. *Class B-1841*, 9; Aberdeen to Aston, February 19, 1842, F. O. 84/400.

¹⁷⁴ Aberdeen to Turnbull, February 12, 1842, F. O. 72/608.

marked by the necessary degree of ‘Moderation and Discretion.’”¹⁷⁵ Arthur Aston, Britain’s minister in Madrid, described to Antonio Gonzalez that the protection of both the British merchants and public interests prompted the decision to revoke Turnbull’s consulship. Ultimately, the petitions offered Aberdeen a way to chastise Turnbull for hindering the development of British commerce and show the Spanish that Britain had no intention to end Cuban slavery. At the same time, the Foreign Office, in not stripping Turnbull of all his powers, would not appear to be soft on slave trade treaty violations. Consequently, the conflict between humanitarianism and commerce in British foreign policy, which had, in part, allowed Turnbull to become consul, resurfaced to defeat him as well.

Attempting Martyrdom: Superintendent of Liberated Africans Turnbull

Aberdeen decided to allow Turnbull to remain as Superintendent of Liberated Africans but revoke his consulship. This decision effectively isolated him, but the Spanish saw this maneuver as only half a victory because Turnbull was still in Cuba. The apprehensive Cubans knew that for them to rest easy, Turnbull had to leave the island (and preferably the region) altogether. His loss of the consulship, the protection the posting offered, and the ability to officially contact the Captain-General, coupled with the persistent threat of assassination, prompted Turnbull to heed the advice of his friends and move aboard the *Romney* in Havana harbor.¹⁷⁶ However, his relocation to the

¹⁷⁵ Turnbull to Sturge, April 12, 1842, *British and Foreign Anti-Slavery Society Papers*, C 110/56.

¹⁷⁶ Before boarding the *Romney*, Turnbull revealed he had received several threatening letters, but after a short investigation it turned out that Turnbull had written them and arranged to have them sent anonymously. Crawford to Bidwell, October 1, 1842, F. O. 72/609.

Romney did not diminish his popularity among slaves because Turnbull stayed in contact with these individuals through both his black servant Bernis and assistant Francis Ross Cocking.¹⁷⁷ More importantly, Turnbull's move did not impede his crusade to end the slave trade or mitigate disdain for him harbored by the Cubans and Spanish.

Because Turnbull remained on the island, the plantocracy's image and attitudes toward him as an enemy further solidified. In March 1843 Jose Antonio Saco, the first Creole in Cuba to condemn the slave trade, recalled "To be called a negrophil there is far worse than being labeled a revolutionary; the latter at least implies the support of a party but the former incites the hatred of every European."¹⁷⁸ Before Saco's later remarks, the Captain-General had already labeled Turnbull both. Valdes argued that Turnbull's plans did not solely revolve around the liberation of Africans; he also "works with Europeans, seducing them with thoughts of independence."¹⁷⁹ Although stripped of his Consulship, Valdes continued to petition for Turnbull's removal in correspondences to the Spanish Ambassador in London. By this time, Spain's representatives in Britain had curtailed their demands to Aberdeen because he had essentially clipped Turnbull's wings by removing his consulship. However, his continued presence on the island, even if on the *Romney*, further convinced Cubans that Turnbull was the instigator of a global plot to abolish slavery in Cuba. At the very least, Valdes surmised, Turnbull was arranging his return to Great Britain as a "martyr to the abolitionist cause, but probably his

¹⁷⁷ Paquette, *Sugar Is Made with Blood*, 154.

¹⁷⁸ Saco to del Monte, March 19, 1843, in *Academia de la Historia*, 5:91-2. For more information on Jose Antonio Saco, see Murray, *Odious Commerce*, 128-31; Paquette, *Sugar Is Made with Blood*, 85, 92, 96, 119.

¹⁷⁹ Valdes to the Minister of Foreign Affairs, February 10, 1842, cited in Murray, *Odious Commerce*, 155.

revolutionary ambitions remained uppermost in his mind.”¹⁸⁰ If any abolitionist could bring disaster to Cuba, the Captain-General pictured Turnbull as the “most likely and the most fearsome.” Although Valdes believed Turnbull to be the one who would bring calamity to Cuba, the Captain-General knew he was not alone. Valdes saw abolitionists everywhere and thought the captain of the *Romney* was colluding with Turnbull.¹⁸¹ Consequently, the Spanish Ministry of Marine and Colonies instructed the Captain-General to prepare Cuba’s coasts in order to repel revolutionary agents from Jamaica and Haiti.¹⁸²

In June, the seasoned diplomat Joseph Tucker Crawford arrived to replace Turnbull as Consul.¹⁸³ Sine he needed briefing on the situation in Cuba, Crawford met with Turnbull after assuming his new position. Wasting no time, Turnbull asked Crawford to use his authority as consul to get Turnbull’s passport, which he needed to legally travel to Cardenas for a renewed offensive on the Forbes estate. Crawford, while opposed to slavery, was not an ideologue or ardent abolitionist who would pursue the foreign policy of abolitionism in the same manner Turnbull had, which might explain why Aberdeen sent him to Cuba.¹⁸⁴ Crawford refused because he questioned Turnbull’s motives. Over the course of two months, Turnbull and Crawford exchanged several

¹⁸² Minister of Marine and Colonies to the Minister of Foreign Affairs, May 25, 1842, in Murray, *Odious Commerce*, 155.

¹⁸³ Joseph Crawford had served as consulate in both Lisbon and Tampico.

¹⁸⁴ Crawford to Scoble, May 6, 1843, *British and Foreign Anti-Slavery Society Papers*, C 15/87.

letters over the subject of the passport.¹⁸⁵ Turnbull's persistence finally paid off, when Crawford unenthusiastically requested it from Valdes. Unsurprisingly, Valdes denied the appeal stating that Turnbull had no authority to search the Forbes plantation.¹⁸⁶

After this setback, his wife Elinor, whom he had married sixteen years before, achieved what two Captain-Generals and countless other Spanish officials could not—she convinced David Turnbull to leave Cuba. Constant worry about the safety of her husband combined with two unhealthy months aboard a ship had seriously affected her wellbeing. After informing Crawford of the situation, Turnbull received his passport and left Cuba for Nassau on August 15, 1842.¹⁸⁷ Finally, the Spanish government and slave traders could resume their deception of “the English government and continue the contraband slave trade.”¹⁸⁸ Crawford and the British businessmen in Cuba were also glad to see Turnbull go. In October 1842, Crawford accused his predecessor Joseph Bidwell, a member of the Foreign Office, of “playing philanthropy” in Nassau.¹⁸⁹ Moreover, there was “no bearing the man's nonsense,” and he hoped that “shewing up his infamous deception and the falseness of his character...will satisfy you.”¹⁹⁰ Lastly, it was “wise...to

¹⁸⁵ Turnbull to Crawford, June 21, 1842; Turnbull to Crawford, July 24, 1842; Turnbull to Crawford, July 26, 1842; Crawford to Aberdeen, August 1, 1842, F. O. 84/401.

¹⁸⁶ Valdes to Crawford, July 27, 1842, F. O. 84/401.

¹⁸⁷ Turnbull to Crawford, August 15, 1842; Crawford to Turnbull, August 12, 1842, enclosed in Crawford to Aberdeen, no. 26, August 15, 1842, F. O. 84/401.

¹⁸⁸ Betancourt to Del Monte, April 1, 1842, in *Academia de la Historia*, 5:73.

¹⁸⁹ Crawford to Bidwell, October 1, 1842, F. O. 72/609.

¹⁹⁰ Crawford to Bidwell, October 1, 1842, F. O. 72/609.

remove him from office and put a stop to his figuring in any way as connected with Her Majesty's government.”¹⁹¹

After signing anti-slaving treaties with Great Britain in 1817 and 1835, the Spanish government and Cuban authorities allowed the slave trade to continue. Since Great Britain's leaders had dedicated themselves to abolishing the Atlantic slave trade through a foreign policy of abolitionism, Whitehall, in accordance with that foreign policy, sent an ardent abolitionist to Cuba—David Turnbull. His goal was to end the constant abuses of the Anglo-Spanish anti-slave trade treaty. Yet, after Turnbull's arrival it became abundantly clear that his activities and objectives on the island represented a greater threat to the political, economic, and diplomatic interests of Cubans, Spain, and Great Britain, dependent as all those interests were upon the stability of slavery in Cuba. The Cuban plantocracy feared losing their human property, and, more importantly, the eruption of a slave revolution like the one in Saint Domingue. Turnbull's efforts to expand the authority of the Court of Mixed Commission and his investigations into illegally imported slaves fostered both the fear of a possible slave insurrection and the idea of a British conspiracy to abolish slavery in Cuba. Therefore, Turnbull quickly made himself and Britain an enemy of Cuban slave interests. Those very same actions also pitted Turnbull against the entire Spanish Empire. By the end of the Napoleonic Wars, Spain had incurred massive debts. Not surprisingly, Great Britain was Spain's largest creditor. Yet, in the wake of the Haitian Revolution in 1804, Cuba soon became

¹⁹¹ Crawford to Bidwell, October 1, 1842, F. O. 72/609. Also see Crawford to Bidwell, June 15, 1842; Crawford to Bidwell, August 1, 1842, F. O. 72/609.

the world's largest producer of sugar. This meant that the Spanish government desperately needed the income from sugar to appease creditors. They consequently approved the continued importation of slaves despite the Anglo-Spanish treaties, which neither Turnbull nor Britain's foreign policy of abolitionism could tolerate nor compromise with. So, Turnbull never ceased in his harassment and criticism of the Spanish government's halfhearted enforcement of the Anglo-Spanish accords that slave trading interests constantly ignored.

Because the Spanish ministers in Europe never successfully convinced the British to remove Turnbull and, more importantly, because of an ever-growing fear that the Spanish government might capitulate to Britain's demands, an intra-imperial conflict between white Cubans and both the colonial administration and metropole emerged. This dispute centered on the notion that if the slaveholding United States annexed Cuba, the island would be insulated from abolitionist attacks emanating from Great Britain. Of course, the Spanish government did not want to lose one of its few remaining colonies, especially, "one of the richest and most important jewels of the Crown of Castile."¹⁹² In attempting to apply a British foreign policy of abolitionism more universally, Turnbull also made enemies of his countrymen, colleagues, merchants, and ship-owners because he accused them of participating in the slave trade, either directly or indirectly by employing slaves and *emancipados* for work. These accusations had a tremendous impact on British commerce. More importantly, Turnbull's devout commitment to the

¹⁹² Report of the Junta de Fomento to the Captain-General on the Draft of the Convention relating to Slave Trade, proposed to Spain by Great Britain, enclosed in Turnbull to Aberdeen, November 6, 1841, in Great Britain. *Class B-1841*, 368.

foreign policy of abolitionism endangered Great Britain's larger diplomatic objective—maintaining Spanish rule in Cuba. From the beginning, Turnbull's presence in the colony inflated Cubans' insecurities over their human property. Those anxieties, combined with both British and Spanish fears of losing Cuba to the United States and Turnbull's hindrance of British commerce and foreign policy goals, caused Turnbull to lose his consulship and his place in Cuba. If Turnbull had demonstrated anything, it had been a reckless perseverance in pursuit of ending the slave trade. But as soon as Great Britain's foreign policy of abolitionism came into conflict with Great Britain's imperial relationships, Whitehall curtailed it immediately.

CHAPTER IV

‘A SPEAR AT EVERY NATION’: GREAT BRITAIN ACHIEVES AN AMERICAN TREATY AGAINST SLAVE TRADING

In 1841 the Quintuple Treaty between Great Britain, France, Austria, and Russia, which declared the slave trade piracy and granted a reciprocal “right of search” for each signing party’s vessels, came under the scrutiny of American representatives. In a response to the accord, the United States minister in Paris, Lewis Cass, asserted that “English statesmen” with their “excess of philanthropy,” would “tilt a spear at every nation, and light up the flames of a general war, in order to accomplish [Great Britain’s] own charitable views in its own exclusive way.”¹ Moreover, he noted, the “treaty for the suppression of the slave trade was intended to act upon the United States by its moral force.”² Cass further argued that French and British “cooperation” to end “that traffic was already secured by the treaties of 1831 and 1833,” and “Russia, Prussia, and Austria, [he supposed never] had, or ever will have a vessel engaged in that commerce.”³ Several months later, Cass reiterated arguments such as these after the United States signed the Webster-Ashburton Treaty, which created the U.S. African Squadron. In October 1842, he wrote Secretary of State Daniel Webster asserting, “I do not see [any] change in the slightest degree [regarding] the pre-existing right claimed by Great Britain

¹ Cass to Webster, February 15, 1842, cited in Hugh G. Soulsby, “The Right of Search and the Slave Trade in Anglo-American Relations,” *John Hopkins University Studies in Historical and Political Sciences* 51 (Baltimore: The John Hopkins Press, 1933), 108.

² Cass to Webster, February 15, 1842, cited in Soulsby, “The Right of Search,” 108.

³ Cass to Webster, February 15, 1842, cited in Soulsby, “The Right of Search,” 108.

to arrest and search our vessels.”⁴ More importantly, if an unaccompanied British cruiser met a vessel flying the American flag, it was quite “indispensable and justifiable” that the Royal Navy ascertain its nationality because of the treaty.⁵ Lastly, Cass believed that several provisions of the treaty were “dishonorable” because the new agreement committed a U.S. squadron to the coast of Africa even though the United States had “kept one there for years.”⁶

In January 1808, the governments of both the United States and Britain officially decreed participation in the Atlantic slave trade to be illegal for their citizens. Although each nation had added anti-slave-trading statutes to their legal codes, evasion of those laws saw the slave trade expand for decades after their implementation. Consequently, by the end of the 1830s, Great Britain used its foreign policy of abolitionism to establish anti-slave-trade treaties with all of the major maritime powers except one—the United States. This exception was pivotal because it made the entire treaty system largely ineffectual. An illicit trade continued under the protection of the American flag. However, the punishment of death if caught participating in the trade meant that very few slaves ended up in the United States. On rare occasions, slavers used American vessels, but more often the practice of carrying a set of American papers and flag complicated Anglo-American diplomacy. Papers such as these could be purchased throughout the Caribbean, and, smart slavers made sure they had them before setting

⁴ Cass to Webster, October 3, 1842, cited in Soulsby, “The Right of Search,” John Hopkins Press, 1933), 112.

⁵ Cass to Webster, October 3, 1842, cited in Soulsby, “The Right of Search,” 113.

⁶ Cass to Webster, October 3, 1842, cited in Soulsby, “The Right of Search,” 113.

sail. Although this was illegal, and any slave ship caught flying an American flag faced seizure by the U.S. Navy, very few United States naval vessels patrolled the areas where the trade took place. Consequently, alternating between flags and sets of papers, the slave trade continued until an Anglo-American treaty acknowledged the problem and offered a way to address slavers' abuses of the American colors.

Having fought the War of 1812 largely over freedom of the seas, it was unlikely that the American government would consent to any limitations on its expanding merchant marine. Despite vague promises made in the Treaty of Ghent to enforce anti-slave-trading laws, the United States had always upheld and defended the right of merchant vessels to proceed from port to port unmolested. However, Britain did not interpret this notion in the same manner. Instead, Great Britain operated under the assumption that complete freedom of the seas allowed piracy and slavers to operate alongside legitimate traders. Therefore, interfering with suspicious vessels was warranted, which caused Great Britain and the United States to come into conflict.

In 1839, tensions dating back to the slave trade's initial abolition by both Great Britain and the United States came to a head, forcing both nations to the negotiating table. The result was the Webster-Ashburton Treaty. Although it took several international incidents to compel both nations to jointly address the slave trade, the compromises that emerged demonstrated a shift in Great Britain and the United States' stance on both policing the Atlantic slave trade and international law more generally. More importantly, the treaty illustrates that Great Britain's foreign policy of abolitionism succeeded because the United States agreed to respond to abuses of its flag. The "right

of search,” Great Britain’s practice of boarding vessels to search for slaves, became the focus of heated discussions after the publication of the Webster-Ashburton Treaty. Yet, it was the content of closed-door treaty negotiations demonstrates how the foreign policy of abolitionism had transformed Anglo-American diplomacy. Throughout these dialogues, neither the British nor the American representatives approached the subject of the “right of search.” Their avoidance illustrates the volatility of the issue, but it also allowed the delegates to prepare for the inevitable protests to the treaty.

In the end, both countries privately agreed to one another’s treaty stipulations, which allowed them to save face publicly regarding their authority. On the one hand, the United States agreed to place a permanent squadron off the coast of Africa to enforce its anti-slave-trading-laws. On the other hand, Great Britain tacitly agreed that impressment, as had been practiced by the Royal Navy, was now a dead letter. Great Britain also agreed that the long contested “right of search” would not enter into international law. Lastly, the incidents that occurred before the passage of the treaty and Whitehall’s responses to those occurrences, revealed Great Britain’s new approach to the lack of enforcement of American anti-slaving laws and U.S. refusal to aid in the suppression of the slave trade. Ultimately, examining the debates, discussions, and compromises regarding the slave trade, especially the differing distinctions of the “right of search,” during the Webster-Ashburton Treaty negotiations demonstrates Great Britain’s successful use of its foreign policy of abolitionism. It also illustrates that by the 1840s the abolitionist movement had designated ending the Atlantic slave trade as a major

foreign policy objective for Great Britain, even if it meant finally challenging the most powerful nation in the Western hemisphere—the United States.

By the 1840s, both the United States and Britain had clearly established their positions regarding the slave trade and slave property in their foreign policy, but this had not always been the case. American diplomatic concerns over both institutions guided negotiations at the end of the Revolutionary War and the War of 1812.⁷ The successful slave rebellion in French Saint Domingue, resulting in the independent black nation of Haiti, also influenced U.S. policy regarding the slave trade and slavery both at home and abroad.⁸ Due to Haiti's close proximity to the expanding American slave population, U.S. politicians' and slaveholder fears of a similar insurrection caused the United States to develop a more global perspective regarding slavery.⁹ Still, American foreign policy from 1790 to 1820 did not necessarily revolve around the issue of slavery. But neither was it far from center stage. The 1820s, however, saw a drastic change in American leader's views towards global slavery, especially with the "rise of aggressive white supremacist rhetoric in national politics," eventually coalescing in the Jacksonian

⁷ Don. E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York: Oxford University Press, 2001), 89-134; Eliga H. Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge, Mass.: Harvard University Press, 2012), 145-77.

⁸ Charles C. Tansill, *The United States and Santo Domingo, 1789-1873* (Baltimore: Johns Hopkins Press, 1938); Rayford Logan, *The Diplomatic Relations of the United States and Haiti, 1776-1891* (Chapel Hill: University of North Carolina Press, 1941); Tim Matthewson, "Jefferson and Haiti," *Journal of Southern History* 61, no. 2 (May 1995): 209-48; Ashli White, *Encountering Revolution: Haiti and the Making of the Early Republic* (Baltimore: Johns Hopkins University Press, 2010).

⁹ Tim Matthewson, *A Proslavery Foreign Policy: Haitian-American Relations during the Early Republic* (Westport, Conn.: Prager, 2003); Alfred N. Hunt, *Haiti's Influence on Antebellum America: Slumbering Volcano in the Caribbean* (Baton Rouge: Louisiana State University Press, 1988).

Democratic Party.¹⁰ Due to this new coalition's willingness to utilize U.S. power in defense of hemispheric slavery, the emergence of Jacksonian Democrats ushered in a period of aggressive foreign policy focused on slavery in ways unlike the Jeffersonians before them.¹¹ Yet, even after the establishment of the Monroe Doctrine and this new political force, American slaveholders remained satisfied with the balance of power in the Atlantic world. Although Britain held the majority of the power in the region, the United States, with reservations, accepted this because Great Britain had become America's leading investor and trading partner.¹² Expansion into the American Southwest, along with the United States' growing dependence on slave labor, relied essentially on the British textile industry—two-thirds of all U.S. exports went to Britain by 1830.¹³ Therefore, U.S. representatives pursued policies that softened trade restrictions in an effort to expand commercial ties with Britain. But this commitment rested solely on Great Britain's continued use of slaves in its empire, which ended with British abolitionism's greatest achievement—the Abolition Act of 1833.¹⁴

¹⁰ Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, Mass.: Harvard University Press, 2016), 14.

¹¹ Robert Kagan, *Dangerous Nation: America's Foreign Policy from Its Earliest Days to the Dawn of the Twentieth Century* (New York: Vintage, 2006); William Earl Weeks, *The New Cambridge History of American Foreign Relations*, vol. 1, *Dimensions of the Early American Empire, 1754-1865* (New York: Cambridge University Press, 2014), 95-6; Caitlin Fitz, *Our Sister Republics: The United States in the Age of American Revolutions* (New York: Liveright, 2016).

¹² A. G. Hopkins, "The United States, 1783-1861: Britain's Honorary Dominion?," *Britain and the World* 4, no. 2 (September 2011): 232-46; Same W. Haynes, *Unfinished Revolution: The Early American Republic in a British World* (Charlottesville: University of Virginia Press, 2010).

¹³ Sven Beckert, *Empire of Cotton: A Global History* (New York: Knopf, 2014), 98-174; Brian Schoen, *The Fragile Fabric of Union: Cotton, Federal Politics, and the Global Origins of the Civil War* (Baltimore: The John Hopkins University Press, 2009), 100-145.

¹⁴ Karp, *Vast Southern Empire*, 12-17.

After decades of public pressure and parliamentary debates, a political revolution swept over Great Britain, resulting in the abolition of slavery in the British West Indies. Whitehall's decision to free thousands of slaves in the British Caribbean fundamentally transformed the order of things in the Western Hemisphere because the most powerful nation began mobilizing its considerable economic, diplomatic, and military resources against slavery. Great Britain's initial steps centered on the complete abolition of the slave trade, which required the establishment of an effective transatlantic police force and treaties with other nations that allowed this force to achieve its goal.¹⁵ In an effort to accomplish these objectives Great Britain utilized its foreign policy of abolitionism to coerce other nations to support Great Britain's abolitionist agenda.

Although the Abolition Act of 1833 did not immediately free Britain's 800,000 slaves—they remained “apprentices” bound to their masters for a period of four to six years—the international political ramifications of British emancipation were monumental, especially for American slaveholders.¹⁶ By the time Great Britain abolished slavery, slaveholding elites had consolidated their political power in the United States government—between the end of the American Revolution and 1833 all the presidents but one owned slaves. The development of the Second Party System in the 1830s, where the Democrats and Whigs vied for votes in both the North and South,

¹⁵ Karp, *Vast Southern Empire*, 15-16.

¹⁶ Thomas C. Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore: The Johns Hopkins University Press, 1992), 13-112; Nick Draper, *The Price of Emancipation: Slave-Ownership, Compensation and British Society at the End of Slavery* (Cambridge: Cambridge University Press, 2009); Karp, *Vast Southern Empire*, 16.

caused anti-slavery rhetoric to disappear from national political debates.¹⁷ Nonetheless, Great Britain had set an abolitionist precedent that shaped American domestic and foreign policy for years to come. This time period saw the South strengthen its defense of slavery, along with stifling any type of anti-slavery discussions in Congress through procedural regulations—the so-called Gag Rule.¹⁸ Even more important, as Matthew Karp argues, during the antebellum decades the southern leaders at the helm of U.S. foreign policy attempted to “advance the international cause of slavery,” which caused a “foreign policy of slavery” to develop focused on protecting the institution abroad.¹⁹ Ultimately, this foreign policy objective put the most powerful slaveholding society in the Western Hemisphere, the United States, and the “vast empire on which the sun never set,” Great Britain, on a collision course over slavery. The first battle waged in this war was fought over the slave trade, specifically Great Britain’s use of its foreign policy of abolitionism to end the trade.²⁰

¹⁷ Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W. W. Norton, 2005), 218-53; Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: University of North Carolina Press, 2007); Haynes, *Unfinished Revolution*, 118-22; Donald Ratcliffe, “The Decline of Antislavery Politics, 1815-1840,” in John Craig Hammond and Matthew Mason, eds., *Contesting Slavery: The Politics of Bondage and Freedom in the New Nation* (Charlottesville: University of Virginia Press, 2011), 175-206.

¹⁸ Edward Bartlett Rugemer, *The Problem of Emancipation: The Caribbean Roots of the American Civil War* (Baton Rouge: Louisiana State University Press, 2008), 145-290; Edward Bartlett Rugemer, “The Southern Response to British Abolitionism: The Maturation of Proslavery Apologetics,” *Journal of Southern History* 70, no. 2 (May 2004): 221-48.

¹⁹ Karp, *Vast Southern Empire*, 2, 7.

²⁰ Richard Huzzey, *Freedom Burning: Antislavery and Empire in Victorian Britain* (Ithaca, New York: Cornell University Press, 2012), 40-74; David Brion Davis, *Challenging the Boundaries of Slavery* (Cambridge, Mass.: Harvard University Press, 2006), 61-94; Seymour Drescher, *The Mighty Experiment: Free Labor versus Slavery in British Emancipation* (New York: Oxford University Press, 2013), 144-78.

Early American Suppression and Brief Anglo-American Cooperation, 1819-1822

In early 1820, the American frigate *Cyane*, under Captain Edward Trenchard, escorting the brig *Elizabeth*, the latter transporting eighty-eight former slaves, arrived on Sherbro Island, southeast of Freetown, Sierra Leone. In accordance with the Congressional Act of 1819, requiring that slaves captured off the U.S. coast be returned to Africa, this voyage initiated the law's provision for the "safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color," along with the appointment of an agent in Africa to facilitate the resettlement of the freedmen.²¹ This initial convoy, with the aid of the United States government and the American Colonization Society, led to the eventual founding of Liberia. Just as importantly, the presence of the *Cyane* inaugurated the U.S. navy's patrol of the coast of Africa, known later as the Africa Squadron.

Upon their arrival, the group's leader, Reverend Samuel Baker, tasked Captain Trenchard with a survey of the coast and its various headlands, but also an inquiry into "whether the natives would be willing to dispose of a tract of land" for the new community.²² This assignment bore unexpected fruit. Trenchard had authorization to detain American slavers and send confiscated slaves to the new settlement, and, shortly after his departure, the *Cyane* captured nine vessels off the Gallinas River in eastern Sierra Leone. Five of the ships were from the United States, but had hoisted Spanish

²¹ *An Act in Addition to the acts prohibiting the Slave Trade*, March 13, 1819, 15th Congress, 2nd session, *Annals of Congress*, pt. 34: 2545.

²² Samuel Eliot Morison, "Old Bruin:" *Commodore Matthew Calbraith Perry* (Boston: Little, Brown and Company, 1967), 62-4.

colors; the other four were of unknown origins.²³ The *Endymion*, *Science*, *Esperanza*, and *Plattsburg* became prize vessels and were sent to New York, but Trenchard had the other five ships destroyed and the slaves sent to Sierra Leone.²⁴ Although the *Cyane* had successfully captured nine ships and freed the slaves onboard, a report from the frigate asserted that while the vessels “are evidently owned by Americans, they are completely covered by Spanish papers [so] that it is impossible to condemn them.”²⁵ Moreover, the official inquest noted that the “slave trade is carried on to a very great extent [and that no] less than three hundred vessels on the coast [were] engaged in that traffic, each having two or three sets of papers.”²⁶

After dealing with the seized slavers, the *Cyane* continued its mission and arrived at Cape Mesurado, east of Sherbro, in late-April 1820. After negotiating a land agreement with local leaders, Trenchard returned to Sherbro. During his return voyage, Trenchard stopped in the Cape Verde Islands where the *John Adams* and *Hornet* joined him. It was during their return that they seized two more slaving vessels. By May, it was apparent that more action was required; the U.S. Congress passed its most strenuous national statute against the slave trade. The Act of 1820, although put in place to protect American commerce and provide provisions for punishing the crime of piracy, had two specific sections addressing the slave trade. Both sections stipulated that any American

²³ Donald L. Canney, *Africa Squadron: The U.S. Navy and the Slave Trade, 1842-1861* (Washington, D.C.: Potomac Books, 2006), 9; Peter Grindal, *Opposing the Slavers: The Royal Navy's Campaign Against the Atlantic Slave Trade* (London: I.B. Tauris, 2016), 246.

²⁴ A list of the cruisers and their captures is given in House Committee Report, no. 351, April 12, 1822, *ASP-FR*, 5: 141. [Here after referred to as *ASP-FR*.]

²⁵ Report from United States Ship *Cyane*, off Sierra Leone, April 10, 1820, *ASP-FR*, 5: 95.

²⁶ Report from United States Ship *Cyane*, off Sierra Leone, April 10, 1820, *ASP-FR*, 5: 95.

citizen engaged in the African slave trade “shall be adjudged a pirate; and on conviction thereof before the circuit court of the United States for the district wherein he shall be brought or found, shall suffer death.”²⁷ The same language also applied to non-Americans onboard slavers either owned or commissioned by Americans.²⁸ Yet, neither reports from Africa nor the Act of 1820 convinced Secretary of State John Quincy Adams of the necessity for any further measures to suppress the slave trade or make any arrangements to aid Great Britain with policing the trade.²⁹

The anti-slaving treaty of 1820 also empowered the President to employ armed cruisers, as he saw fit, to seize American slaving vessels. President Monroe soon did. Several ships were dispatched to the African coast, where the newly commissioned vessels took part in a rare act of Anglo-American cooperation. Because the United States finally had ships patrolling the African coast, Whitehall ordered the Royal Navy to “cooperate” with their new allies in the suppression campaign.³⁰ While the “American Government [had] refused to enter into any more intimate concert” with Great Britain for the policing of the slave trade, British vessels were to “give such general assistance...towards the attainment of this common object, as was consistent with existing Treaties and Rights of both Nations, and with the friendly relations and perfect

²⁷ *An Act to continue in force ‘An act to protect the commerce of the United States, and punish the crime of piracy,’ and also to make further provision for punishing the crime of piracy*, May 15, 1820, 16th Congress, 1st session, *Annals of Congress*, pt. 36: 2624.

²⁸ *An Act to continue in force ‘An act to protect the commerce of the United States, and punish the crime of piracy,’ and also to make further provision for punishing the crime of piracy*, May 15, 1820, 16th Congress, 1st session, *Annals of Congress*, pt. 36: 2624-5.

²⁹ John Quincy Adams, *Memoirs of John Quincy Adams, Comprising Portions of his Diary from 1795 to 1848*, vol. 5, ed. Charles Francis Adams (Philadelphia: J. B. Lippincott and Co., 1875), 182-84.

³⁰ Planta to Barrow, May 12, 1821, enclosed in Barrow to Commodore George R. Collier, May 24, 1821, in *British and Foreign State Papers, 1821-1822* (London: James Ridgway and Sons, 1851), 220. [Here after referred to as *BFSTP*.]

Amity subsisting between them.”³¹ This cooperation led to the USS *John Adams* and Royal Navy’s *Snapper* seizing the *Exchange* off Rio Pongas in West Africa. Although the United States’ presence on the African coast was limited and joint Anglo-American operations ended quickly, reports from vessels illustrated that progress had been achieved. In April 1822, a brief prepared by a special committee in the U.S. House of Representatives asserted that “the American flag, which heretofore covered so large a portion of the slave trade, has wholly disappeared from the coast of Africa.”³² Yet the slave trade still “increased annually, under the flags of other nations,” and it was doubtful “whether those American merchants, [and] the American capital and seamen which heretofore aided in this traffic, have abandoned it altogether, or have sought shelter under the flags of other nations.”³³ As a result, the next two decades saw amplified pressure to implement a more formalized and systematic unit for the express purpose of suppressing the slave trade.

Increased Activities: U.S. Anti-Slave Trade Suppression, 1822-1839

In the early 1820s, besides supporting the early settlement of Liberia, U.S. naval efforts against the slave trade, although during this period did more to preserve slavery and the slave trade in Cuba than eradicate it, revolved around the anti-piracy campaign conducted in the West Indies and Florida, which was in full swing by 1823.³⁴ At the same time, American observers on the African coast claimed the slave trade had

³¹ Planta to Barrow, May 12, 1821, enclosed in Barrow to Commodore George R. Collier, May 24, 1821, in *BFSP*, 220.

³² House Committee Report, no. 351, April 12, 1822, *ASP-FR*, 5: 140.

³³ House Committee Report, no. 351, April 12, 1822, *ASP-FR*, 5: 141.

³⁴ Stephen M. Chambers, *No God But Gain: The Untold Story of Cuban Slavery, the Monroe Doctrine, and the Making of the United States* (London: Verso, 2015).

declined. Lieutenant Matthew Calbraith Perry wrote that “he had heard of no American slavers on that part of the coast.”³⁵ The U.S. Secretary of the Navy reiterated this sentiment in a December 1823 report stating: “During the time that Captain Spence and Lieutenant Perry were cruising, they neither saw nor heard of any vessel under the American flag engaged in the slave trade.”³⁶ Moreover, if “citizens of the United States are still employed in that traffic, they seem to have been driven to conceal themselves under flags of other nations.”³⁷ President Monroe, discussing the success of the American cruisers in his annual message to Congress, further expounded on this notion, stating that “not one [vessel] has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.”³⁸ Although American representatives and leaders asserted that use of the American flag by slavers had decreased, the reality was that slave traders began using Spanish colors because the U.S. Navy could only stop American flagged vessels. This state of affairs was confirmed by American naval commander reports.³⁹ Therefore, American slavers avoided notice and capture by simply hoisting other nations’ flags. Yet, between 1825 and 1835, slave trading declined, at least near Liberia. Later, W.E.B. Dubois acknowledged the

³⁵ Judd Scott Harmon, “Suppress and Protect: The United States Navy, the African Slave Trade, and Maritime Commerce, 1794-1862” (PhD dissertation, College of William and Mary, 1977), 104.

³⁶ Report of the Secretary of Navy, December 1, 1823, *American State Papers, Naval Affairs*, 2: 179. [Here after referred to as *ASP-NA*.]

³⁷ Report of the Secretary of Navy, December 1, 1823, *ASP-NA*, 2: 179.

³⁸ James Monroe, Seventh Annual Message, December 2, 1823, in *A Compilation of the Messages and Papers of the Presidents, 1789-1908*, vol. 2, eds. James D. Richardson (Bureau of National Literature and Art, 1909) 214; Earl McNeilly, “The United States Navy and the Suppression of the Slave Trade” (PhD dissertation, Case Western Reserve University, 1973), 61.

³⁹ Jehudi Ashmun to Samuel Southard, February 11, 1825; Jehudi Ashmun to Samuel Southard, December 22, 1827, cited in Judd Scott Harmon, “Suppress and Protect: The United States Navy, the African Slave Trade, and Maritime Commerce, 1794-1862” (PhD dissertation, College of William and Mary, 1977), 98.

reduction, but spoke of the government's "negligence" because there was "never...more than two vessels on the African coast, and most of the time [the United States] did not have one."⁴⁰

By the 1830s, American vessels continued the erratic pattern of visiting the African coast for anti-slaving purposes. In February 1831, the *Java* anchored in Monrovia where it stayed for six days. The *Boxer* arrived in April 1832, followed by the *Porpoise* in February 1833. The *John Adams* and *Potomac* appeared in December 1833. Finally, in the summer of 1835, the *Ontario* and *Erie* reached Africa, with instructions to patrol particular areas of the coast including Cape Palmas, the Island of St. Thomas in the Bight of Benin, and Bassa Cove. Yet, no American-flagged ships appeared in African waters in 1829, 1830, 1834, or 1838.⁴¹ Such haphazard enforcement allowed the slave trade to continue. The period from 1836 through early 1837, were a highpoint in the American naval presence off Africa: four U.S. naval vessels visited the coast, including the *Dolphin*, *Peacock*, *Enterprise*, and *Potomac*. But another lull immediately followed; it would not be until 1840 before the American navy reappeared off the coast of Africa.⁴²

Spurred by increased prices of enslaved individuals and insufficient enforcement of U.S. anti-slaving laws, and despite Britain's continued policing of the trade on the African coast, the last years of the 1830s saw the slave trade revitalized. This occurred

⁴⁰ W.E.B. Dubois, "The Enforcement of the Slave-Trade Laws," *Annual Report of the American Historical Association* (Washington: Government Printing Office, 1892), 169.

⁴¹ Annual Report of the Secretary of the Navy, Showing the Condition of the Navy in the Year 1835, no. 585, December 5, 1835, *ASP-NA*, 4: 731-2; Earl McNeilly, "The United States Navy and the Suppression of the Slave Trade" (PhD dissertation, Case Western Reserve University, 1973), 87-8.

⁴² Canney, *Africa Squadron*, 22-3.

largely due to demand driven by Cuba's canefields. The Cuban Court of Mixed Commission re-counted the appearance of 240 illegal slavers between 1836 through 1839, fifty-eight of which flew the American flag. In 1839, the Sierra Leone Court of Mixed Commission reported the condemnation of more than sixty slavers that came before them, which resulted in the freeing of 3,283 slaves. All but three of these ships were detained on the African coast, and eleven were American ships. The report also noted that none of the ships were "admitted to prosecution," because the United States had not "conceded to our cruisers the right of visiting, searching and detaining her vessels for any purposes whatsoever."⁴³ The account also illustrated how "three of the vessels condemned during the past year...continued under the protection of the American papers," which cleared "out from the island of Cuba, until the very moment when they took on board the cargo of slaves which formed the ground of their condemnation."⁴⁴

Even though the slave trade expanded during the 1830s, Lord Palmerston's endeavors to affix the "right of search" stipulation to accords added France, Haiti, Uruguay, Venezuela, Bolivia, Argentina, Mexico, and Texas to the list of countries subject to British detention on the high seas.⁴⁵ The Spanish flag provided protection, but in 1835 a new resolution promulgated in Madrid sanctioned the capture of slavers outfitted for transporting captive Africans. In 1839, meanwhile, the Portuguese also

⁴³ Report of Mixed Commission, December 31, 1839, cited in Canney, *Africa Squadron*, 23.

⁴⁴ Report of Mixed Commission, December 31, 1839, cited in Canney, *Africa Squadron*, 23.

⁴⁵ In 1824, Sweden allowed the 'right of search,' and in 1826, Brazil consented to ending the trade within three years. In addition, Denmark, Sardinia, Naples, and the Hanseatic League signed treaties. W.E.B. Dubois, *The Suppression of the African Slave-Trade to the United States of America, 1638-1870* (Baton Rouge: Louisiana State University Press, 1896), 141-42; Canney, *Africa Squadron*, 20.

ceased to aid and abet slave traders. Therefore, by the close of the decade the United States stood as the last major maritime power that opposed the “right of search” and its use against slavers. However, 1839 became a critical juncture in evolving American attitudes regarding exemption from the “right of search,” leading to the U.S. government’s reconsideration of its stance on the international effort to end the slave trade.⁴⁶

Because the United States failed to enforce its own anti-slaving laws Britain took it upon themselves to do so. This, in turn, forced the slave trade to the forefront of American politics. In June of 1839, the HMS *Buzzard* seized two Baltimore-built slavers, the *Eagle* and *Clara*, flying the American flag off the coast of Lagos. Like other slavers, each vessel carried fabricated papers, which prompted the British cruiser to escort them (and their slave cargoes) into New York harbor. Yet the subsequent cases deemed them Spanish property, resulting in their release. Then the HMS *Harlequin* apprehended the slaver *Wyoming*. Lastly, the British cruiser *Dolphin* seized the *Butterfly* and Baltimore-built *Catherine*, both of which carried Spanish and British logbooks. The *Catherine* had approached the West African coast flying American colors. After capture, a prize crew took the vessel to the New York courts, which condemned it, along with the *Butterfly* and *Wyoming*. The summer of 1839 also saw the beginning of the infamous *Amistad* case. Immediately, the Spanish government demanded the ship’s return, along with its slave cargo. However, the case landed in the American court system. Eventually, the Supreme Court freed the Africans, but the case had become a public spectacle,

⁴⁶ Soulsby, “The Right of Search,” 42, 46.

illustrating the atrocities of the slave trade and underscoring American resistance to collaborating in enforcing slave trade laws.

In an effort to extend its foreign policy of abolitionism, the British Foreign Office provided evidence to the U.S. federal courts implicating the *Catherine's* original owners, whose names remained on the vessel registry, and demonstrating their failure to sell the ship in Havana. This information prompted the arrest of several slave-ship owners, along with the confiscation of two schooners built for slave trading. Although these cases failed, Great Britain, because of continued American abuses of anti-slaving laws, demonstrated that their empire had taken a harder stance against the United States regarding the slave trade than before. Specifically, they were now enforcing American laws and arresting American citizens because the United States had not effectively done it.⁴⁷

After the events of 1839, it became necessary for the United States to establish a mechanism to enforce anti-slave-trading laws because Britain continued to embarrass the U.S. government—due to the absence of a U.S. force on the African coast—by detaining American vessels and citizens participating in the slave trade.⁴⁸ Therefore, President Van Buren ordered “a competent” naval force be situated on the African coast. The *Dolphin* and *Grampus* were sent to West Africa in early 1840, where they stayed for several

⁴⁷ Peter Duignan and Clarence Clendenen, *The United States and the African Slave Trade, 1619-1862* (Wesport, Connecticut: Greenwood Press, 1978, 1963), 31-33; Warren S. Howard, *American Slavers and the Federal Law, 1837-1862* (Berkeley and Los Angeles: University of California Press, 1963), 38; Canney, *Africa Squadron*, 24-5; Bergad, *The Comparative Histories of Slavery in Brazil, Cuba, and the United States*, New Approaches to the Americas (Cambridge: Cambridge University Press, 2007), 209-10.

⁴⁸ Fehrenbacher, *The Slaveholding Republic*, 165; McNeilly, “The United States Navy 104; Howard, *American Slavers*, 225; Duignan and Clendenen, *United States and the African Slave Trade*, 42; Canney, *Africa Squadron*, 26-7.

months. They returned to the United States, but reappeared off the African coast in 1841. Both ships patrolled there constantly, even though they only apprehended one slaving vessel, the *Sara Anne*. Their capture of the ship was the first slaver apprehended by an American naval vessel in African waters in nearly twenty years. Along with extended cruising missions, the commander of the *Grampus*, Lieutenant John S. Paine, had instructions from the U.S. government to maintain “friendly” relations with the British. These orders inspired Paine to enter into a joint cruising agreement between the United States and Britain, where each party consented to investigate and detain suspected vessels until the other’s return. This accord became, at least virtually, a reciprocal “right of search.” Although his actions were not officially sanctioned and the United States government quickly renounced the pact, Paine’s agreement set the stage for the creation of the Africa Squadron. Paine’s actions also demonstrated that even though both British and U.S. seamen had orders and treaties to follow, once they were on the open ocean a majority of their decisions came from either personal discretion or inclination, not necessarily their nation’s anti-slave-trading policies.

In the end, the evidence illustrating the flourishing slave trade, coupled with the incidents of 1839, caused an abrupt reaction by the United States: for the first time it sent two naval vessels to simultaneously patrol the West Coast of Africa. Although this move was a symbolic gesture, such reinvigorated British diplomatic efforts forced the United States—revealed as ineffective at administering its own anti-slavery laws—to come to the negotiating table. America’s incentive was to save face, but, more importantly, the preservation of a working relationship with the United States’ largest trading partner—

Great Britain. Yet, the discussions were part of a larger picture relating to Anglo-American relations in general. Along with the disagreements over enforcement of anti-slave trade laws, an enduring dispute over the U.S.-Canadian border saw Congress preparing for war in Maine and New Brunswick in 1839. Luckily, the Aroostook War ended with a diplomatic compromise. This set the stage for the British Minister Lord Ashburton, an abolitionist and seasoned slave trade politician from Prime Minister Peel's government, to resolve both the border and slave trade issues in Washington.

Slave Trade Compromises: The Webster-Ashburton Treaty and the "Right of Search"

Efforts to consolidate alliances against suppressing the slave trade lost momentum in February 1842, when France unexpectedly refused to ratify the Quintuple Treaty negotiated in December 1841 between Great Britain, Austria, France, and Russia.⁴⁹ Before France's rejection, the four European powers had agreed to declare the slave trade piracy, but, more importantly, to allow the "right of search" for one another's cruisers in specified areas. Furthermore, other European maritime powers, not already part of the anti-slaving treaty system, were invited to consent to the new accord.⁵⁰ Although France and smaller maritime nations had previously granted the "right of search," the unlikelihood of the other three signatories' cruisers venturing to the African coast made the treaty's purpose simply declaratory. Actually, the agreement solidified internationally the system and methods for suppressing the slave trade developed by

⁴⁹ *Protocols of Conferences between the Plenipotentiaries of the 5 Powers, respecting the Ratifications of the Slave Trade Treaty of 20th December, 1841*, February 19, 1842, in *BFSP*, 298-300.

⁵⁰ *Treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade*, December 20, 1841, in *BFSP*, 269-98.

Great Britain. Yet, renunciation by France prevented the “right of search” during peacetime from becoming customary policy for European nations. Moreover, the course of action taken by France allowed the United States diplomatic cover to continue declining the “right of search” as a treaty stipulation.

Because of France’s action regarding the Quintuple Treaty, the United States’ position against Great Britain’s ceaseless pressure to allow the “right of search” gained significant strength. Lewis Cass, the minister of the United States in Paris, opposed the treaty from the very beginning. Louis Philippe notified the British ambassador that “the American Minister was very busy in inciting the Opposition Deputies to resist the ratification.”⁵¹ President Tyler recognized the importance of the treaty’s failure in a private letter to Secretary of State Daniel Webster, arguing that “the refusal of France to ratify the treaty” gave “more sea-room with Lord Aberdeen.”⁵² He also encouraged U.S. representatives to continue promote the idea of “maintaining the freedom of the seas.”⁵³ Ultimately, the U.S. diplomatic pressure thwarted Britain’s plans of establishing “a new rule of international law,” resulting in Whitehall’s need to send an ambassador to the United States to negotiate a compromise on the “right of search.”⁵⁴

Arriving in the United States in the spring of 1842, Lord Ashburton immediately began negotiations. However, Ashburton deliberately tabled discussions of maritime policy because of the long history of friction over the “right of search” between the

⁵¹ F. A. Wellesley, *The Diary and Correspondence of Henry Wellesley, First Lord Cowley, 1790-1846* (London: Hutchinson, 1930), 222.

⁵² Tyler to Webster, No date, Private, in George Ticknor Curtis, *Life of Daniel Webster*, vol. 2 (New York: D. Appleton and Company, 1870), 183.

⁵³ Tyler to Webster, No date, Private, in Curtis, *Daniel Webster*, 183.

⁵⁴ Tyler to Webster, No date, Private, in Curtis, *Daniel Webster*, 183.

United States and Great Britain. This was the first time since the failed Convention of 1824 that a realistic and coordinated scheme for the suppression of the slave trade emerged, and Ashburton hoped to avoid discussion of more sensitive issues until absolutely necessary. The emergence of a compromise was paramount, as it would replace the sidetracking and fruitless squabbles of the past.

Secretary of State Daniel Webster took the lead in negotiating with Ashburton, but, like Great Britain's representative, he too consciously abstained from insistence upon any particular position the United States government would take towards the "right of search" or other issues. It was clear, however, that no compromise could be achieved if discussions were carried out as they had been previously. Yet, in early 1842, Webster had anticipated a possible change in traditional policy for the United States regarding freedom of the seas. This perceived shift in attitude, prompted Webster in an April letter to clarify his personal stance, along with outlining the terms he proposed to Lord Ashburton:

Our position in respect to these maritime questions is peculiar. Hitherto, we have been contending...for the freedom of the seas...[Therefore,] I have proposed to Lord Ashburton, that England and the United States shall maintain for a limited time, each an independent squadron on the coast of Africa, comprising such a number of vessels and of such force as may be agreed upon, with instructions to their commanders respectively to act in concert, in order that no slave ship, under whatever flag she may sail, shall be free from visitation and search...[which] Lord Ashburton, so far, appears to think well of.⁵⁵

Obviously, cooperation was both Webster and Ashburton's desire because of the recent wave of high-profile and divisive incidents. Particularly thorny was the *Creole* case,

⁵⁵ Webster to Everett, April 26, 1842, Private, in Fletcher Webster, ed., *The Private Correspondence of Daniel Webster* (Boston: Little, Brown and Company, 1857), 124-5.

wherein a British court in the Bahamas freed several slaves who had revolted aboard an American brig in November 1841.⁵⁶ Britain considered the slaves to be freedpeople; the Americans thought them mutineers. While cooperation appeared to be the logical approach, and supporters of the administration agreed with this course of action, Webster had previously established himself as a diplomatic servant of slavery.⁵⁷ His position as a Cotton Whig representing Massachusetts' industrial interests made him dependent on British capital and the free flow of cotton (and thus, by extension slavery) and thereby affected his negotiating position. But dependency cut both ways, for Ashburton knew British mills would be shuttered and thousands thrown out of work in the absence of American cotton. Great Britain's textile industry thus relied on (and helped perpetuate) American slavery to supply the raw cotton.

Webster drew his proposal from the Paine-Bell Report, composed by U.S. naval officers on the African coast, where Lieutenant Bell had entered into a private agreement with Commander Tucker of the Royal Navy in 1840. Ashburton received a draft of the report, and its major suggestion was "that a squadron should be kept on the coast of Africa to cooperate with the British or other nations interested in stopping the slave trade."⁵⁸ Moreover, the "most efficient mode" required that "vessels...cruise in couples, one of each nation."⁵⁹ However, this copy included a clause stating that "either of the cruisers may examine a suspicious vessel so far as may be necessary to determine her

⁵⁶ Edward D. Jervy and C. Harold Huber, "The Creole Affair," *Journal of Negro History* 65, no. 3 (Summer 1980): 196-211; Howard Jones, "The Peculiar Institution and National Honor: The Case of the Creole Slave Revolt," *Civil War History* 21, no. 1 (March 1975): 28-50; Karp, *Vast Southern Empire*, 23.

⁵⁷ Fehrenbacher, *The Slaveholding Republic*, 108-10.

⁵⁸ *Paine-Bell Report*, no. 6, May 10, 1842, F. O. 5/379

⁵⁹ *Paine-Bell Report*, no. 6, May 10, 1842, F. O. 5/379

national character; while any further search would be only pursued by the vessel having a right from the law of nations, or from existing treaties.”⁶⁰ Although this section implied Britain had the “right of visit” to determine the nationality of a vessel, it did not appear in the official report because of its removal, which Ashburton believed Webster had done.⁶¹ The specific deletion of this clause demonstrates how prominent the issue of the “right of visit” and the “right of search” was to the American public and for Anglo-American relations.

Ashburton received Webster’s proposal enthusiastically, but, like his counterpart, avoided any volatile matters. After his arrival, Ashburton observed the U.S. public’s calmness in waiting for the conclusion of negotiations and their disposition “to be satisfied with reasonable terms.” “I trust and hope,” he continued, “that what we may do may appear to deserve that character.”⁶² Consequently, he quickly agreed to the draft of the Webster-Ashburton Treaty that did not involve a discussion of the “right of visit” or “right of search,” which Ashburton in turn recommended to Lord Aberdeen. At the same time, Ashburton remained cognizant of the difficulties faced by Webster, who was open to criticism that he had appeased Great Britain. In an earlier letter to Aberdeen, Ashburton had outlined those complications, stating that “the greater part of the

⁶⁰ *Paine-Bell Report*, no. 6, May 10, 1842, F. O. 5/379

⁶¹ *Report of Naval Officers in the Government of the United States respecting Slave Trade*, May 10, 1842, enclosed in Ashburton to Aberdeen, May 12, 1842, in *Correspondence between Great Britain and the United States Relative to the Treaty Lately Concluded at Washington; Including Instruction from Earl Aberdeen to Lord Ashburton, 1842-43* (London: T. R. Harrison, 1843), 5-9.

⁶² Ashburton to Aberdeen, doc. 193, June 14, 1842, in Kenneth Bourne and D. Cameron Watt, eds., *British Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print*, ed. Kenneth Bourne, vol. 1, *McLeod and Maine, 1837-1842*, North America, 1837-1914 3 (Frederick: University Publications of America, 1986), 307.

American public both individually and collectively” had a “singular jealousy of, and sensitiveness to, everything we do,” which led to “incessant misrepresentations and exaggerations.”⁶³ Therefore, these feelings and actions led to difficulties in diplomacy because American leaders were “often deterred from doing what [they might want] by the scrutiny of a lower description of public.”⁶⁴ Yet, even with the unpredictability of American attitudes toward foreign policy, Ashburton maintained that the political climate at the time favored him and his mission. He asserted that because the cabinet had “no supporting party in either House of Congress,” a “complete and satisfactory settlement with me [would] give them popularity.”⁶⁵ However, at the same time “we must not too hastily infer that anything the government may do may not be condemned by a party in violent opposition.”⁶⁶ Ashburton knew of the long conflict dating back to the War of 1812 between the United States and Britain over the “right of search.” Consequently, his caution demonstrated that the issue played a major role in American politics and that U.S. legislators would not endorse a treaty allowing British naval vessels to stop American ships, for fear of losing their Senate seats. This fear of supporting anything British, although Britain had become the United States’ leading

⁶³ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Kenneth and Watt, eds., *British Documents on Foreign Affairs*, 271.

⁶⁴ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 271. Sam Haynes argues that even though the Webster-Ashburton Treaty was a historic step for U.S.-British relations Democrats saw the treaty as complete capitulation to British interests. Haynes, *Unfinished Revolution*, 221-22; Soulsby, “The Right of Search,” 78-116.

⁶⁵ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Kenneth and Watt, eds., *British Documents on Foreign Affairs*, 271.

⁶⁶ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Kenneth and Watt, eds., *British Documents on Foreign Affairs*, 271.

investor and trading partner, had long dictated political actions of U.S. leaders because both parties employed Anglophobia to “demonize their political opponents.”⁶⁷

After demonstrating his enthusiasm and caution regarding the U.S. public, Ashburton detailed the technique proposed for suppressing the slave trade. He argued the “excited prejudices of the country must be considered...the mode” for ending the trade.⁶⁸ On the one hand, he insisted the plan “I am considering with Mr. Webster will be more...effectual, than even the accession of America to the principles of the Quintuple Treaty.”⁶⁹ On the other hand, Ashburton claimed that the “senseless [clamor] about the right of search, liberty of the seas, etc.,” continued to echo throughout the United States, which caused the French to oppose Great Britain as well.⁷⁰ Therefore, achieving any efficient “right of search” would be difficult. Additionally, the “practice of visitation” gave “little practical remedy [to] the tricks of the slave traders”; when the Royal Navy did exercise the right of search, the United States criticized British action.⁷¹ Ultimately, Ashburton’s knowledge of the difficulty of gaining the “right of search” and the weaknesses of the “right of visit,” allowed him to formulate a plan to which both nations could agree.

⁶⁷ Haynes, *Unfinished Revolution*, 131.

⁶⁸ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 271.

⁶⁹ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 271.

⁷⁰ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 271.

⁷¹ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 271.

Because Ashburton obtained permission to establish a joint-cruising operation off the coast of Africa, he like his American counterpart Daniel Webster borrowed from the Paine-Bell Report believing the “vexed question of the right of visit [would] settle itself under” the agreement.⁷² Instead of having a reciprocal “right of search,” which “would always be restricted with much jealousy and often give rise in its execution to irritating collisions,” each nation would contribute cruisers to a joint naval operation with the ability to board and capture their own nation’s vessels.⁷³ Moreover, this “naval cooperation would also double the strength on the slave coast at a reduced expense, and relieve us from the charge and embarrassment of sending detained vessels to distant American ports.”⁷⁴ Ashburton also asserted that if enacted, the “American cruiser would be likely to act with more freedom than our own” in detaining U.S. slaving vessels or those suspected of engaging in the trade.⁷⁵ These cruisers could also deal with “cases of vessels ‘not navigated according to law.’”⁷⁶ Ashburton had “strong hopes” that a compromise would bring “effective cooperation for stopping this miserable traffic in the vessels of this country where it has taken its last refuge.”⁷⁷ Because Webster’s plan was the best arrangement available under the circumstances, Lord Aberdeen responded that if

⁷² Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 273.

⁷³ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 272.

⁷⁴ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 272.

⁷⁵ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 272.

⁷⁶ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 272.

⁷⁷ Ashburton to Aberdeen, doc. 174, April 25, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 271.

Ashburton “should not find it possible to induce the government of the United States to become a party to any Convention, conferring a mutual right of search, Her Majesty’s government would willingly accede to an arrangement of the nature described in your Lordship’s [dispatch].”⁷⁸ By giving Ashburton permission to establish a joint operation with the United States off the coast of Africa, Aberdeen demonstrated a change in Britain’s foreign policy. Great Britain would now allow the U.S. Navy to work with the Royal Navy if it meant ending a slaver’s ability to gain protection from American colors. However, a major issue regarding freedom of the seas reared its head once again—impressment—a practice that Great Britain had never linked to the foreign policy of abolitionism until now.

For about two hundred years, Britain had refused to accept limits upon what it insisted upon as the Royal Navy’s right to impress its seamen from neutral vessels. Therefore, Prime Minister Peel’s administration, like others before, refused to make any concessions which might jeopardize that long-held presumption. Yet the continued threat of impressment—which, ironically, many Americans considered a form of enslavement—was one of the chief concerns of the United States regarding the concession of a “right of search” to the Royal Navy. Because abuses of this right often occurred in times of war, what would prevent Britain from doing the same in a time of peace? During the negotiation process, Webster brought this concern to Ashburton’s attention. This prompted Ashburton’s appeal to Whitehall requesting authorization to

⁷⁸ Aberdeen to Ashburton, doc. 183, May 26, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 291.

make a determination on the subject. In his dispatch, Ashburton argued in “all discussions” with the U.S. government “respecting maritime rights, and the practice at sea of visiting and searching, or otherwise, the apprehension always uppermost in the public mind is, that they may in some way or other lead to the impressment of seamen during any future war.”⁷⁹ Consequently, having a “satisfactory” response on the issue of impressment “would go far to ensure success to our other negotiations, and, which is more important, remove the most serious cause of animosity and ill-will.”⁸⁰ What is important to note is that Ashburton was not asking authority to make this a part of any treaty. Instead, he wanted to privately guarantee Webster that if Great Britain entered into a war where the United States remained neutral, “impressment from [U.S.] merchant ships navigating the *High Seas* will not be practiced.”⁸¹ Since this issue was crucial to the negotiation process, Ashburton reminded Aberdeen that his mission in the United States might result in “not only the settlement of existing differences, but the establishment if possible, of a more wholesome state of the public mind, by which future differences may be averted.”⁸² It was for this reason that a decision regarding the future impressment was required.⁸³

⁷⁹ Ashburton to Aberdeen, doc. 189, May 12, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 301.

⁸⁰ Ashburton to Aberdeen, doc. 189, May 12, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 301.

⁸¹ Ashburton to Aberdeen, doc. 189, May 12, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 301.

⁸² Ashburton to Aberdeen, doc. 189, May 12, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 301.

⁸³ Paul A. Gilje, *Free Trade and Sailors Rights in the War of 1812* (New York: Cambridge University Press, 2013); Brian Rouleau, *With Sails Whitening Every Sea: Mariners and the Making of an American Maritime Empire* (Ithaca, New York: Cornell University Press, 2014); Theodore Roosevelt, *The Naval War of 1812: A Complete History* (Mineola, New York: Dover Publications, Inc., 2017).

As was the case in the dialog over the “right of search,” Ashburton’s approach to impressment further illustrated his desire to achieve a realistic settlement, approved by both nations and without futile debates over legal rights. Following his description of the United States’ staunch opposition to impressment, Ashburton questioned whether it would occur again because the practice was an “anomaly hardly bearable by our own people.”⁸⁴ More importantly, the “first exercise of this practice would produce war.”⁸⁵ Therefore, was it not “better to surrender with a good grace a pretended right, while the surrender may bring you some credit,” rather than maintain a claim that Britain may not have the “power to execute” later on?⁸⁶ Due to this view, Ashburton pressed Whitehall for a constructive response to Webster’s proposal because “it would be of great benefit to the general success of our negotiations, and abundantly productive of future harmony and good will.”⁸⁷

In June 1842, Aberdeen declined to consent to the proposition, which he saw as “tantamount to an absolute and entire renunciation of the indefeasible right inherent in the British Crown to command the allegiance and services of its subjects, wherever found.”⁸⁸ Clearly, Ashburton was shocked by this stern response because in a reply on June 29, 1842, he outlined how impressment had been “repeatedly” discussed “between

⁸⁴ Ashburton to Aberdeen, doc. 189, May 12, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 302.

⁸⁵ Ashburton to Aberdeen, doc. 189, May 12, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 302.

⁸⁶ Ashburton to Aberdeen, doc. 189, May 12, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 302.

⁸⁷ Ashburton to Aberdeen, doc. 189, May 12, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 302.

⁸⁸ Aberdeen to Ashburton, doc. 190, June 3, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 303

the two Governments, and has, at no time that I can find, been considered in the light of the abandonment of a great principle.”⁸⁹ Ashburton also rejected the notion that he suggested any “dangerous novelties” or “the abandonment of any valued rights” in an effort to achieve successful negotiations.⁹⁰ Several weeks after his letter to Aberdeen, Ashburton, on August 9, wrote an official note to Webster, which affirmed that “no differences have, or could have, arisen of late years” concerning impressment, because the practice has, since the peace, wholly ceased.”⁹¹ Besides, the practice cannot return because of “existing laws and regulations for manning Her Majesty’s navy.”⁹² Yet, unbeknownst to Ashburton, Webster had previously written, “the American government, then, is prepared to say that the practice of impressing seamen from American vessels cannot hereafter be allowed to take place.”⁹³ In addition, the crew of any legally registered “American merchant-vessel...will find their protection in the flag which is over them.”⁹⁴ The August correspondence between Ashburton and Webster indicated the elimination of impressment from the deliberations concerning the “right of search.”⁹⁵

⁸⁹ Aberdeen to Ashburton, doc. 197, June 29, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 317.

⁹⁰ Aberdeen to Ashburton, doc. 197, June 29, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 317.

⁹¹ Ashburton to Webster, no. 2, August 9, 1842, in *BFSP*, 210; Ashburton to Webster, doc. 221, August 9, 1842 in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 361.

⁹² Ashburton to Webster, no. 2, August 9, 1842, in *BFSP*, 210; Ashburton to Webster, doc. 221, August 9, 1842 in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 361.

⁹³ Webster to Ashburton, no. 1, August 8, 1842, in *BFSP*, 209; Webster to Ashburton, doc. 220, August 8, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 361.

⁹⁴ Webster to Ashburton, no. 1, August 8, 1842, in *BFSP*, 209-10; Webster to Ashburton, doc. 220, August 8, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 361.

⁹⁵ Samuel Flagg Bemis, ed., *The American Secretaries of State and their Diplomacy* (New York: Pageant Book Company, 1958), 5: 38-41.

American fear of impressment was unwarranted because, Ashburton asserted, Great Britain had abandoned the policy.

Although it appears unlikely that the repudiation of impressment by Whitehall would have provoked the United States to accede to the “right of search,” it did illustrate the metamorphosis which American understandings of international law had experienced. More importantly, it demonstrated Great Britain’s willingness to make concessions for its foreign policy of abolitionism. For example, Edward Everett, Minister to Britain, asserted that the United States should, in good faith and policy, offer to join the Quintuple Treaty, in response to Britain’s retraction of impressment. In March 1843, Everett wrote that if Great Britain had agreed “we should have carried a *very great* point, and it seems to me should have reconciled our people to coming into the Quintuple Treaty.”⁹⁶ However, he also maintained that “if [Britain] did not agree, we should have put them decidedly in the wrong.”⁹⁷ While Everett’s response demonstrates a change in American attitudes, the fact remains that impressment was an obsolete practice which lacked sufficient British support to initiate enforcement again. Moreover, bargaining the “right of search,” a contemporary policy, in return for the renunciation of an archaic practice would not have worked because the Royal Navy had not practiced impressment for some time. In the past, a compromise might have been struck, but it was far too late. Aberdeen had already considered this arrangement, but he did not believe it advisable because of it curtailed British power. Prior to the Webster-Ashburton

⁹⁶ Everett to Webster, March 31, 1843, cited in Soulsby, “The Right of Search,” 85.

⁹⁷ Everett to Webster, March 31, 1843, cited in Soulsby, “The Right of Search,” 85.

negotiations, Everett recounted a conversation with Aberdeen where he stated “we could settle everything, but for the question of impressment.”⁹⁸ This dialogue demonstrated to Everett that opinion in Britain had shifted, which set the stage for an easy settlement because:

Lord Aberdeen admitted the fact that a change had taken place, but said there was still very much the same sensibility as to the right of impressment in England, that there was on the subject of search, in the United States. He admitted that there would be no disposition again to enforce on board American vessels, the right claimed by England to the services of her subjects, but thought there would be extreme difficulty in expressly renouncing it.⁹⁹

Webster utilized this knowledge, while meticulously preserving U.S. bargaining power regarding the “right of visit and search,” when he obtained a virtual, if not a formal, abandonment of impressment by Great Britain in Ashburton’s response to his note.

Ultimately, Webster and Ashburton used the Paine-Bell agreement as their framework for the Webster-Ashburton Treaty, but they excluded the stipulation that when both nations’ cruisers were sailing together they had the right to detain one another’s vessels. Although Great Britain supported this clause, the United States could not accept this provision because it gave Britain a virtual “right of search.” Even if accompanied by the U.S. Navy, Webster knew that neither the American government nor public would agree to the arrangement because of the persistent fear of a renewed effort by the Royal Navy to impress U.S. citizens. By linking impressment to the “right of search,” it demonstrates that conversations surrounding impressment had lived on well into the 1840s, when it is often considered, by scholars, to have been (effectively)

⁹⁸ Everett to Webster, April 15, 1842, cited in Soulsby, “The Right of Search,” 86.

⁹⁹ Everett to Webster, April 15, 1842, cited in Soulsby, “The Right of Search,” 86.

settled by 1815.¹⁰⁰ More importantly, the discussion of impressment during the treaty negotiations illustrates how the issue became linked to the policing of the transatlantic slave trade. Ironically, Americans wholeheartedly resented the act of impressment even though they willingly allowed, protected, and, in some cases, actively participated in an institution that ripped individuals from their homes and forced them into bondage in foreign lands—the Atlantic slave trade. Furthermore, Ashburton and Aberdeen’s acknowledgement that impressment had disappeared because the Royal Navy and British society had rejected the practice, gestures to a major shift in British national and foreign policy in which abolitionism had now assumed an importance greater than the previously-vaunted “indefeasible” right to impress the Crown’s subjects.

Interpreting Article Eight: Concluding the Controversy of the “Right of Search”

While negotiating the Webster-Ashburton Treaty, both Webster and Ashburton anxiously attempted to reconcile the maritime dispute, without directly confronting the problem of the “right to visit.” However, their avoidance of the issue simply postponed the discussion because before the ink dried on the treaty, a vigorous international debate erupted over its slave trade provisions. The final copy of the Webster-Ashburton Treaty included an eighth article stipulating that each contracting party “shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval vessels, of suitable numbers and descriptions, to carry in all not less than eighty

¹⁰⁰ For a traditional interpretation of this viewpoint, see Gilje, *Free Trade and Sailors’ Rights*.

guns.”¹⁰¹ This was the set minimum, which Ashburton assured “may and will increase,” but a nation had only to send the number of vessels required.¹⁰² Both squadrons were to be independent of one another, “the two governments stipulating nevertheless to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and cooperation, upon mutual consultation, as exigencies may arise.”¹⁰³ Although a compromise was achieved, the treaty was simply the same proposition John Quincy Adams had advanced twenty years earlier as an alternative to the “right of search,” which had been refused by Great Britain. The only differentiation was the size and permanence of the force sent to Africa. Prime Minister Peel and Foreign Secretary Aberdeen argued that Great Britain’s position remained unaffected and the empire retained the “right of visit.” In the United States, President Tyler and Secretary of State Webster saw the “right of visit” as a provision no longer needed because the U.S. government agreed to send cruisers to Africa to quell abuses of the American flag. But a powerful minority in the United States believed otherwise. This vocal faction asserted that the Tyler administration, while enhancing U.S. obligations abroad, had done nothing to obtain any subsequent concessions from Great Britain.

¹⁰¹ *Treaty between Great Britain and the United States, to settle and define the Boundaries between Possessions of Her Britannic Majesty in North America, and the Territories of the United States; for the final Suppression of the African Slave Trade; and for the giving up of Criminals, fugitive from Justice, in certain Cases.*—Signed at Washington, August 9, 1842, in *BFSP*, 365.

¹⁰² Ashburton to Aberdeen, doc. 212, August 9, 1842, in Bourne and Watt, eds., *British Documents on Foreign Affairs*, 345.

¹⁰³ *Treaty between Great Britain and the United States, to settle and define the Boundaries between Possessions of Her Britannic Majesty in North America, and the Territories of the United States; for the final Suppression of the African Slave Trade; and for the giving up of Criminals, fugitive from Justice, in certain Cases.*—Signed at Washington, August 9, 1842, in *BFSP*, 365-6.

In multiple messages to Congress, President Tyler outlined the official position of the United States. In his First Annual Message, on December 7, 1841, Tyler stated that “however desirous the United States may be for the suppression of the slave trade, they can not consent to interpolations into the maritime code at the mere will and pleasure of other governments.”¹⁰⁴ Furthermore, Tyler insisted that American citizens operating under the U.S. flag and engaged in lawful commerce on the African coast were “not responsible for the abuse or unlawful use of that flag by others.”¹⁰⁵ Consequently, if these vessels were “molested, and detained while pursuing honest voyages...and violating no law...they are unquestionably entitled to indemnity.”¹⁰⁶ In August 1842, while presenting the Webster-Ashburton Treaty to the Senate for consideration, Tyler expounded on his position regarding the eighth article. Here he argued that the United States must “execute its own laws [against the slave trade] and perform its own obligations by its own means and its own power.”¹⁰⁷ More importantly, any “examination or visitation” of a nation’s merchant-vessels by another’s cruisers “for any purpose except those known and acknowledged by the law of nations...may lead to dangerous results.”¹⁰⁸ Therefore, the United States in “accordance with the stipulations of the treaty of Ghent,” and in an effort to stop individuals from “violating the

¹⁰⁴ John Tyler, First Annual Message, December 7, 1841, in *Papers of the Presidents, 1789-1908*, Richardson, 1930.

¹⁰⁵ John Tyler, First Annual Message, December 7, 1841, in *Papers of the Presidents, 1789-1908*, Richardson, 1930.

¹⁰⁶ John Tyler, First Annual Message, December 7, 1841, in *Papers of the Presidents, 1789-1908*, Richardson, 1930.

¹⁰⁷ John Tyler, Message to Senate, August 11, 1842, in *Papers of the Presidents, 1789-1908*, Richardson, 2020

¹⁰⁸ John Tyler, Message to Senate, August 11, 1842, in *Papers of the Presidents, 1789-1908*, Richardson, 2020-21.

immunities of the American flag” on the seas, need not fear the Webster-Ashburton Treaty because it contained “no alteration, mitigation, or modification of the rules of the law of nations.”¹⁰⁹ Although this address illustrated Tyler’s explicit support of the Webster-Ashburton Treaty, it also revealed that the United States denied the existence of the “right of visit” in the law of nations. This denial eliminated all pretexts for such a violation of the law of nations now taken under Article Eight. Finally, in December 1842, this position received official confirmation in Tyler’s Second Annual Message to Congress. During his speech, Tyler remarked that even though Aberdeen had “expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board,” and that British cruisers could only “visit and inquire,” his office could not discern how a “visit and inquiry could be made without detention.”¹¹⁰ For him, Great Britain used the “right of visit” as a “new form” of the “right to search,” but “expressed in different words.”¹¹¹ Yet, as a result of the treaty all pretenses were “removed for interference with our commerce for any purpose whatever by a foreign government.”¹¹² In the end, the United States agreed to the Webster-Ashburton Treaty, but, as Tyler’s messages indicate, the U.S. government continued to refute the idea that the “right of search” was part of the law of nations or that Britain had the right to search or visit its vessels.

¹⁰⁹ John Tyler, Message to Senate, August 11, 1842, in *Papers of the Presidents, 1789-1908*, Richardson, 2021.

¹¹⁰ John Tyler, Second Annual Message, December 6, 1842, in *Papers of the Presidents, 1789-1908*, Richardson, 2048.

¹¹¹ John Tyler, Second Annual Message, December 6, 1842, in *Papers of the Presidents, 1789-1908*, Richardson, 2048.

¹¹² John Tyler, Second Annual Message, December 6, 1842, in *Papers of the Presidents, 1789-1908*, Richardson, 2049.

President Tyler's remarks prompted an immediate and candid response from Foreign Secretary Aberdeen because it expressly undermined Britain's foreign policy of abolitionism. He asserted that throughout the negotiation process Great Britain demanded no concessions, nor required the United States to make any over maritime policy. Aberdeen then pledged Britain to "fulfill the conditions of this engagement," but from the "principles which she has constantly asserted, and which are recorded in the correspondence between the Ministers of the United States in this country and myself."¹¹³ At the same time, Aberdeen reassured President Tyler that "Great Britain will always respect the just claims of the United States."¹¹⁴ Great Britain had "no pretension to interfere in any manner whatever, either by detention, visit, or search, with vessels of the United States, known or believed to be such," the Secretary stated.¹¹⁵ Yet, the British Empire would "maintain, and will exercise, when necessary, our right to ascertain the genuineness of any flag which a suspected vessel may bear."¹¹⁶ Aberdeen also guaranteed that while exercising this right, whether it be from "involuntary error, or in spite of every precaution, loss or injury should be sustained, a prompt reparation will be afforded."¹¹⁷ However, he asserted that entertaining the "notion of abandoning the right itself would be quite impossible."¹¹⁸

Following Aberdeen's response, Prime Minister Peel further defined Britain's position in the House of Commons. During his address, Peel referred to President

¹¹³ Aberdeen to Fox, no. 22, January 18, 1843, in *BFSP*, 443.

¹¹⁴ Aberdeen to Fox, no. 22, January 18, 1843, in *BFSP*, 444.

¹¹⁵ Aberdeen to Fox, no. 22, January 18, 1843, in *BFSP*, 444.

¹¹⁶ Aberdeen to Fox, no. 22, January 18, 1843, in *BFSP*, 444.

¹¹⁷ Aberdeen to Fox, no. 22, January 18, 1843, in *BFSP*, 444.

¹¹⁸ Aberdeen to Fox, no. 22, January 18, 1843, in *BFSP*, 444.

Tyler's message, as "that message, which, I am sorry to say, does not give a correct account of the negotiations relative to the right of visit."¹¹⁹ In response to the President's claim that the "right of visit" was the clever rephrasing of the "right of search," Peel asserted:

There is nothing more distinct than the right of visit and the right of search. Search is a belligerent right, and not to be exercised in time of peace, except when it has been conceded by treaty. The right of search extends not only to the vessel, but to the cargo also. The right of visit is quite distinct from this, though the two are often confounded. The right of search, with respect to American vessels, we entirely and utterly disclaim... The right we claim is, to know whether a vessel pretending to be American, and hoisting the American flag, be bona fide American.¹²⁰

Peel continued that Britain had never abandoned the "right of visit," and that the United States' detachment of an eighty-gun naval force was not an "equivalent for any right which we claimed."¹²¹ The United States, after all, "liberally [exercised] this right in the seas adjacent to their own coast."¹²² As Peel noted, if a "Mexican vessel were to hoist the British flag under suspicious circumstances, the United States would not hesitate to exercise the right of exposing fraud."¹²³ Ultimately, Peel expressed his surprise that President Tyler made such assertions regarding the treaty. He also reminded the American executive that the United States practiced these same rights in its own waters.

The schism between the two nations had become so problematic over the treaty and the foreign policy of abolitionism that Webster embarked on a mission to reconcile the conflicting viewpoints. On February 24, 1843, Henry S. Fox, the British Minister,

¹¹⁹ Robert Peel to the House of Commons, *Hansard*, 3rd series, vol. 66 (February 2, 1843), cols. 88-91.

¹²⁰ Robert Peel to the House of Commons, *Hansard*, 3rd series, vol. 66 (February 2, 1843), cols. 88-91.

¹²¹ Robert Peel to the House of Commons, *Hansard*, 3rd series, vol. 66 (February 2, 1843), cols. 88-91.

¹²² Robert Peel to the House of Commons, *Hansard*, 3rd series, vol. 66 (February 2, 1843), cols. 88-91.

¹²³ Robert Peel to the House of Commons, *Hansard*, 3rd series, vol. 66 (February 2, 1843), cols. 88-91.

wrote Aberdeen of a discussion he recently had with Webster. In this conversation, Webster recalled his astonishment at “what Sir Robert Peel had said in the Debate on the Address,” along with his misinterpretation of Tyler’s response to the treaty.¹²⁴ More importantly, Webster asserted that “no discussion between Lord Ashburton and himself on the right of search [occurred]; and that the article of the treaty providing for the cruising squadrons was adopted with the hope” of ending present and future discussions on the issue.¹²⁵ He also continued to defend the United States’ position in opposition to both search and visit because of the abuses experienced by merchant-vessels from cruiser interference. Lastly, Webster insisted that President Tyler did not give any “countenance to the idea that the American flag could protect anything but American vessels,” which is why the United States had “proposed a policy of its own, and for itself, which it was hoped would keep it clear of those controversies.”¹²⁶ Fox did not accept Webster’s attempt at clarification. Instead, Fox deemed this explanation ambiguous and unacceptable. He remarked on “the awkwardness and confusion of meaning, which were so very evident throughout the whole statement.”¹²⁷ In his subsequent dispatch, Fox commented that “in the beginning Mr. Webster sought to gain credit in America by putting forward one interpretation of the treaty,” but at the moment “he now seeks to recover his character for fair dealing with Great Britain by offering another interpretation.”¹²⁸ Furthermore, President Tyler “may have been deceived into

¹²⁴ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 91.

¹²⁵ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 91.

¹²⁶ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 91.

¹²⁷ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 92.

¹²⁸ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 92.

thinking that the construction of the treaty most [favorable] to American pretensions was the true one.”¹²⁹

By this point, Webster had committed to the idea that there was no fundamental difference between the British and American interpretations of the Article Eight. In the same February 25 letter, Fox reported on a Senate debate regarding the treaty stating: “Mr. Archer of Virginia, the Chairman of the Senate’s Committee of Foreign Affairs,” argued that the President had no intention to suggest the idea that “Great Britain had made any surrender of the right of visit, but only that an arrangement had been devised, which would effectually do away with all occasion for exercising that right.”¹³⁰ Also, both President Tyler and Prime Minister Peel’s understanding of the Webster-Ashburton Treaty “are essentially the same, and that no just cause exists for misunderstanding or dispute.”¹³¹ Even with Archer’s comment, Fox maintained “it is not easy to construe the text of the President’s Message into an accordance with these explanations,” but if an official response by the president’s administration were produced it would “perhaps be a sufficient satisfaction to Her Majesty’s government.”¹³²

Although Webster attempted to ease tensions, President Tyler’s interpretation of the Webster-Ashburton Treaty did not fit into this explanation. More importantly, as Fox contended, Tyler vigorously insisted that the “treaty most [favorable] to American pretensions was the true one,” even though Webster constantly claimed that Great

¹²⁹ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 92.

¹³⁰ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 92-3.

¹³¹ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 93.

¹³² Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 93.

Britain had not conceded the “right of visit.”¹³³ Several years later Tyler admitted there was “no express recognition” of Great Britain forfeiting the right in the correspondences between Webster and Ashburton, but his address illustrated the end to Britain’s claim and established the United States’ ability to uphold their own laws.¹³⁴ Moreover, Whitehall’s approval of the Eighth Article “with the message before her was equivalent to a renunciation of the claim.”¹³⁵ For this reason, Tyler, the most fiercely pro-southern and pro-slavery president, and his southern cadre endorsed the Webster-Ashburton Treaty because they believed that when Great Britain agreed to the convention Britain abandoned its claim to the “right of search.”¹³⁶ More importantly, slaveholder approval of the accord also demonstrated that while they pursued a “vigorous foreign policy [of slavery] and a strong military establishment” to protect the institution at home and abroad, pro-slavery leaders were also “slow to clamor for actual war” because they were aware of the “unique danger war presented for a slave society.”¹³⁷ Specifically, Southern slaveholders feared not knowing the outcome of a war with Great Britain, along with how open warfare would affect the institution of slavery.

Along with addressing complaints from Great Britain, the Tyler administration also faced internal attack from Democrats in Congress—led by Thomas Hart Benton—who published their views in newspapers. Initial criticisms stoked partisan fears of a United States subservient to British interests and Whigs complicit in America’s

¹³³ Fox to Aberdeen, February 24, 1843, cited in Soulsby, “The Right of Search,” 93.

¹³⁴ John Tyler to Robert Tyler, August 29, 1858, in Lyon G. Tyler, *Letters and Times of the Tylers* (Richmond, Virginia: Whittet & Shepperson, 1885), 2: 240.

¹³⁵ John Tyler to Robert Tyler, August 29, 1858, in Tyler, *Letters and Times*, 2: 240.

¹³⁶ Karp, *Vast Southern Empire*, 49-52.

¹³⁷ Karp, *Vast Southern Empire*, 53, 55.

emasculatation. Benton called the African Squadron, “the African tribute of men and ships” because “Great Britain was going to execute our laws for us if we did not execute them ourselves; and this squadron...was the price we had to pay...to escape search from Great Britain.”¹³⁸ He also believed this was “a case for resistance, not for submission” for the United States.¹³⁹ Furthermore, he argued that the Eighth Article was obviously a reprise of the illegitimate 1840 Tucker-Paine Agreement of joint-cruising.¹⁴⁰ However, he misconstrued a major difference between the two accords. The former allowed a mutual right of seizure and detention, but the Webster-Ashburton Treaty specified that the cruisers enforce their national laws separately and independently. For Benton, any right claimed by Britain, whether it was termed visit or search, was inconsequential because any vessel forcibly detained was humiliating to Americans and harmful to the nation’s commerce. Lastly, the Tyler administration failed to obtain any explicit renunciation of the “right of search” by Britain, a failure that made the Webster-Ashburton Treaty a major threat to the United States.

Future President James Buchanan had likeminded views of the Webster-Ashburton Treaty’s eighth article. Although published in the *Washington Globe* after the discussions, Buchanan, during the August 1842 ratification debates, an editorial he published demanded that the article be deleted because “there is no reciprocity, except in name, in this article of the Treaty.” Like his colleague Benton, he considered it “the price paid to the British government for a relinquishment of its claim...[and] for the

¹³⁸ *Washington Globe*, December 20, 1842.

¹³⁹ *Washington Globe*, December 20, 1842.

¹⁴⁰ *Washington Globe*, December 23, 1842.

privilege of not being searched by British cruisers.” However, Buchanan’s biggest fear revolved around both Great Britain and the United States’ right to void Article Eight after five years, and more specifically, the conditions which would be implemented after its nullification. He maintained that all the “arrogant and unjust pretensions of the British government to visit and examine American vessels will then revive” because the treaty did not include a clause renouncing these pretenses. The absence of such a stipulation strengthened Great Britain’s ability to reinstate the “right of search” because “we have purchased a temporary exemption from its exercise.” Ultimately, the United States had made a critical mistake because the Webster-Ashburton Treaty did not force Whitehall to “renounce the right of search, but have obtained from us an implied acknowledgment of the existence of such a right, by our engagement” in the treaty.¹⁴¹ Therefore, Great Britain’s foreign policy of abolitionism made a major breakthrough without weakening British international power.

In February 1843, the same group of congressmen failed to cut appropriations from the Navy budget for the African Squadron.¹⁴² In their attempts to harass Tyler’s administration, the Democrats slightly reinvigorated American fears of the Royal Navy reengaging in activities that led to the War of 1812. Moreover, they considered the Eighth Article completely unbalanced because the United States’ new responsibilities would be difficult to execute, while Great Britain had made no comparable

¹⁴¹ *Washington Globe*, January 28, 1843.

¹⁴² Claude Moore Fuess, *Daniel Webster*, vol. 2 (Boston: Little, Brown, and Company, 1930), 2: 124; John Tyler to Robert Tyler, August 29, 1858, in Lyon G. Tyler, *Letters and Times of the Tylers* (Richmond, Virginia: Whittet & Shepperson, 1885), 2: 235-35.

concession.¹⁴³ Furthermore, the fear of impressment made its way into discussions once again, despite Webster's official decree that the United States would not tolerate this practice in the future and Ashburton's confession that the custom had ended. Yet, the major question which still loomed was: if the "right of visit" allowed for an inspection of a vessel's papers to justify the use of the American flag, what prevented the boarding officer from questioning the truthfulness of those papers, the flag, crew, and cargo? Therefore, after gaining access to ships to verify their nationality, might "he not insist on the propriety of 'the verification of the nationality of the seamen?' And, if he finds naturalized American sailors, whom he chooses to make his prey, will he not find law enough in his code to seize them, as soon as he would Africans on board a slaver?"¹⁴⁴ In another article, a senator argued, "eighty guns was nothing to England who had twenty guns to our one."¹⁴⁵ In the end, criticism of the Webster-Ashburton Treaty bombarded the Tyler administration, which added to his already unpopular presidency.¹⁴⁶ However, even the supporters of the accord did not agree on one particular issue—the "right of visit."

Although a large number of congressmen disapproved of the treaty, the agreement's own backers were divided over the legality of the "right of visit." Several

¹⁴³ *Washington Globe*, February 22, 1843.

¹⁴⁴ *Washington Globe*, February 22, 1843.

¹⁴⁵ *Washington Globe*, March 2, 1843.

¹⁴⁶ For a better understanding of President Tyler's unpopularity, see Howard Jones, *To the Webster-Ashburton Treaty: A Study of Anglo-American Relations, 1783-1843* (Chapel Hill, North Carolina: University of North Carolina Press, 1977); Edward P. Carpol, "John Tyler and the Pursuit of National Destiny," *Journal of the Early Republic* 17, no. 3 (Autumn, 1997): 467-491; Edward P. Carpol, *John Tyler, the Accidental President* (Chapel Hill, North Carolina: University of North Carolina Press, 2006). 57-88, 89-128;

members of the House and Senate misinterpreted the differences between piracy in international law and existing laws addressing the slave trade. Specifically, they stressed that the “right of visit” was separate from the “right of search” in cases of alleged piracy. One congressman maintained that “if you deny the right, you must take the ground that the flag protects the ship: and if you find Turkish [colors] on a ship, that bears the name of the ‘Sarah Ann, of New York,’ on her stern, you have no right to visit her.”¹⁴⁷ Others held opposing views, remaining categorical in their denial of the rights. Senator William Rives of Virginia, who voted for ratification, declared “that in time of peace, there is no right, in any case, on the part of a foreign cruiser, to interrupt or detain the vessels of another nation upon the high seas.”¹⁴⁸ Besides, any ship on the high seas, “in time of peace, partakes of the inviolability of her territory; and that any entry on board such a vessel, without consent, is, in the eye of the law, a trespass.”¹⁴⁹ Although he conceded the Royal Navy’s right to visit, detain, and search Portuguese, Spanish, and Brazilian vessels that had illegally flown the American flag, Rives did assert that those ships apprehended and investigated must actually have done what they were suspected of.

Senator Rives also gestured towards a long overlooked part of maritime law:

Every right, too, has its corresponding remedies. If British cruisers have the right to visit and detain all flags they meet on the ocean, to satisfy themselves, by personal examination, of their genuineness—they might enforce that right, in case of any attempt to resist or evade it on the part of vessels sought to be visited, by the summary naval remedies of capture and confiscation. This is the settled maritime law, in regard to the right of search of neutral vessels in time of war. If a neutral vessel attempt to resist or escape from the exercise of the right of

¹⁴⁷ *Washington Globe*, March 23, 1843.

¹⁴⁸ *Washington Globe*, March 23, 1843.

¹⁴⁹ *Washington Globe*, March 23, 1843.

search, she, by that fact alone, subjects herself to capture and condemnation as lawful prize.¹⁵⁰

While this seemed to afford Great Britain a tremendous amount of naval authority, this law also asserted that the “same consequences would analogically attend the right of visit claimed by Great Britain in time of peace, if it exists (as she contends it does), under the law of nations.”¹⁵¹ Consequently, any British merchant-vessels on the high seas “unwilling to submit to the indignity and vexation of an inquisitorial visit from a British cruiser, might find herself punished,” which expanded the foreign policy of abolitionism even during a time of peace.¹⁵²

Even though the legality of the “right of visit” was ambiguous, the supporters of the treaty insisted the eighth article negated the existence of that right. Senator Rives admitted the same point by quoting Foreign Secretary Aberdeen’s justification for the “right of visit,” specifically, that the “fact of the abuse of the American flag constitutes that reasonable grounds for suspicion which the law of nations requires in such a case.”¹⁵³ However, when the United States takes steps to “prevent this abuse of their flag, by the employment of an adequate squadron...the visitation or detention of American vessels...must cease with it.”¹⁵⁴ Lastly, ending such practices “requires no express agreement, under these circumstances to create the obligation of abstaining from the visitations and detentions of the American flag.”¹⁵⁵

¹⁵⁰ *Washington Globe*, March 23, 1843.

¹⁵¹ *Washington Globe*, March 23, 1843.

¹⁵² *Washington Globe*, March 23, 1843.

¹⁵³ *Washington Globe*, March 23, 1843.

¹⁵⁴ *Washington Globe*, March 23, 1843.

¹⁵⁵ *Washington Globe*, March 23, 1843.

As debates over the Webster-Ashburton Treaty grew ever more intense in Congress, President Tyler throughout 1843 provided further explanations in messages to the Senate and House of Representatives.¹⁵⁶ In his address to the House, Tyler argued that the new declarations of Great Britain could cause “doubt whether the apparent difference between the two Governments is not rather one of definition than of principle.”¹⁵⁷ More importantly, he said, the “right of search” was “disclaimed by Great Britain, but even that of mere visit and inquiry as asserted with qualifications inconsistent with the idea of a perfect right.”¹⁵⁸ Tyler’s message referred to Aberdeen’s promise that if the British Navy unintentionally trespassed on American vessels, which had already happened in some cases, the British government would pay reparations. However, the promise of compensation was not enough to allow Britain the “right of visit” on American vessels because the eighth article fostered the creation of the African Squadron suitable enough for the enforcement of U.S. laws against the slave trade. Tyler also saw the eighth article as “removing all possible pretext on the ground of mere necessity to visit and detain our ships upon the African coast because of any alleged abuse of our own flag by slave traders of other nations.”¹⁵⁹ Furthermore, when the United States rejected any nation’s “right to exercise any such general police over the

¹⁵⁶ John Tyler to Senate, January 9, 1843, in *Papers of the Presidents, 1789-1908*, Richardson, 2068-73; John Tyler to House of Representatives, February 27, 1843, in *Papers of the Presidents, 1789-1908*, Richardson, 2082-85.

¹⁵⁷ John Tyler to House of Representatives, February 27, 1843, in *Papers of the Presidents, 1789-1908*, Richardson, 2083.

¹⁵⁸ John Tyler to House of Representatives, February 27, 1843, in *Papers of the Presidents, 1789-1908*, Richardson, 2083.

¹⁵⁹ John Tyler to House of Representatives, February 27, 1843, in *Papers of the Presidents, 1789-1908*, Richardson, 2084.

flag of independent nations, we did not demand of Great Britain any formal renunciation of her pretension; still less had we the idea of yielding anything ourselves in that respect.”¹⁶⁰

After the publication of Tyler’s address, Senator Benton remarked that the President had misconstrued the treaty on both fronts, while another detractor complained of its “incautious admission...that Great Britain had any right whatever of visitation,” even in case of ordinary piracy.¹⁶¹ Nevertheless, the British minister Fox informed Aberdeen in March 1843, that the President Tyler, “after much hesitation, and with much circumlocution, does in fact recede, to a considerable extent, from the position which he had assumed in his annual Message of last December.”¹⁶² To demonstrate this argument, Fox pointed to the concluding paragraph in Tyler’s address, which stated the United States had not demanded Great Britain to concede any right. Because of this passage, Fox argued the “right of visit appears to remain nearly in the same condition as before the conclusion of the late Treaty—the United States persisting in their objection to the exercise of the right; but acknowledging that Great Britain has not agreed to relinquish it.”¹⁶³ However, there was a “great probability” that the eighth article of the Webster-Ashburton Treaty would end the practice of the right.¹⁶⁴ Yet, the heated debates surrounding the treaty did not end.

¹⁶⁰ John Tyler to House of Representatives, February 27, 1843, in *Papers of the Presidents, 1789-1908*, Richardson, 2084.

¹⁶¹ *Washington Globe*, March 2, 1843; John Tyler to House of Representatives, February 27, 1843, in *Papers of the Presidents, 1789-1908*, Richardson, 2083.

¹⁶² Fox to Aberdeen, March 4, 1843, cited in Soulsby, “The Right of Search,” 98.

¹⁶³ Fox to Aberdeen, March 4, 1843, cited in Soulsby, “The Right of Search,” 99.

¹⁶⁴ Fox to Aberdeen, March 4, 1843, cited in Soulsby, “The Right of Search,” 99.

On March 25, 1843, the *Washington National Intelligencer* published an article on the Slave Trade Convention of 1824 further fueling the apprehension of Benton and his supporters. This daily periodical, as Fox had earlier indicated to Aberdeen, “generally speaks Mr. Webster’s opinions,” and had regularly backed Webster throughout Senate debates on the treaty.¹⁶⁵ Following the publication of the editorial, Fox recounted it to Aberdeen, where he stated:

Mr. Webster informs me today, confidentially, that the...article was written by himself...to show...that the chief political leaders...against the exercise by Great Britain of the limited right of visit...did all of them, in 1824, vote for the concession of that very right of search in its fullest extent.¹⁶⁶

If negotiations had not been ended due to arguments over “extending the exercise of the right to the coast of North America, the flag of the United States would for the last eighteen years, with their full consent, have been subject to that right of search.”¹⁶⁷ Men presently against the current treaty, were “disinclined to make undue sacrifices for the abolition of the slave trade, [and] voted in the Senate, in 1824,” to concede to Great Britain the “right of search,” but exempting the United States coast.¹⁶⁸ Even when Britain’s promoters of its foreign policy of abolitionism exposed partisan hypocrisy, it did not work to sway votes one way or another. Yet, by the end of March 1843, Webster had decided to address Aberdeen’s complaints regarding President Tyler’s interpretation of the eighth article. This explanation fostered the creation of a dispatch to Edward

¹⁶⁵ Fox to Aberdeen, February 25, 1843, cited in Soulsby, “The Right of Search,” 99.

¹⁶⁶ Fox to Aberdeen, March 27, 1843, cited in Soulsby, “The Right of Search,” 99.

¹⁶⁷ Fox to Aberdeen, March 27, 1843, cited in Soulsby, “The Right of Search,” 99.

¹⁶⁸ Fox to Aberdeen, March 27, 1843, cited in Soulsby, “The Right of Search,” 99.

Everett, the Minister to Britain.¹⁶⁹ In this statement, Webster outlined the United States' case against the "right of visit," which Tyler later articulated, stating that the issue was subjected "to a close and searching revision. Every word was weighed and reweighed in Cabinet Council, and received my entire approval."¹⁷⁰

In a letter to Everett, Webster admitted that throughout the discussions concerning the treaty, no concessions regarding the "right of visit" were a part of the 1842 negotiations. Therefore, the only conceivable explanation for Article Eight was that "Great Britain had claimed as a right that which this government could not admit as a right, and, in the exercise of a just and proper spirit of amity, a mode was resorted to which might render unnecessary both the assertion and the denial of such claim."¹⁷¹ This portion of Webster's argument revolved around Congressional discussions, which argued, "what Lord Aberdeen calls a right of visit, and which he attempts to distinguish from the right of search, ought to have been expressly acknowledged by the government of the United States."¹⁷² Yet, at the same time some congressmen thought that the "formal surrender of such right of visit should have been demanded by the United States as a precedent condition to the negotiation for treaty stipulations on the subject of the African slave trade."¹⁷³ Nevertheless, Webster maintained the treaty "neither asserts the claim in terms, nor denies the claim in terms; it neither formally insists upon it, nor

¹⁶⁹ Webster to Everett, March 28, 1843, in *BFSP*, 462-71.

¹⁷⁰ John Tyler to Robert Tyler, August 29, 1858, in Lyon G. Tyler, *Letters and Times of the Tylers* (Richmond, Virginia: Whittet & Shepperson, 1885), 2: 241.

¹⁷¹ Webster to Everett, March 28, 1843, in *BFSP*, 463.

¹⁷² Webster to Everett, March 28, 1843, in *BFSP*, 463.

¹⁷³ Webster to Everett, March 28, 1843, in *BFSP*, 463.

formally renounces it.”¹⁷⁴ Ultimately, these stipulations did not exist, which meant the treaty met the demands of both nations.

After demonstrating how the treaty met the approval of Great Britain and the United States, Webster addressed the issue of the legality of the “right to visit.” Referring to Prime Minister Peel’s speech on February 2, 1843, in which he articulated the difference between the “right of visit” and the “right of search,” Webster insisted that no clear distinction of their differences existed.¹⁷⁵ What Great Britain and the United States understood by the belligerent “right of search” was referred to by continental writers and jurists as the “right of visit.” As for the “right of visit” regarding ships “justly suspected of violating the law of nations by piratical aggression,” a definition excluding slave trading pirates, but those seen as pirates in municipal law, no “right of visit” existed.¹⁷⁶ Instead, a full right of search and capture prevailed. In addition, Webster contended, Britain’s offer to compensate the United States if any American merchant vessels were mistakenly visited significantly damaged the claim of visit as a right. Specifically, he asserted that it “is not easy to perceive how these consequences can be admitted justly to flow from fair exercise of a clear right. If injury be produced by the exercise of a right, it would seem strange that it should be repaired, as if it had been the effect of a wrongful act.”¹⁷⁷ Because the typical “rule of law certainly is, that, in the proper and prudent exercise of his own right, no one is answerable for undersigned

¹⁷⁴ Webster to Everett, March 28, 1843, in *BFSP*, 463.

¹⁷⁵ Webster to Everett, March 28, 1843, in *BFSP*, 466.

¹⁷⁶ Webster to Everett, March 28, 1843, in *BFSP*, 467.

¹⁷⁷ Webster to Everett, March 28, 1843, in *BFSP*, 467.

injuries.”¹⁷⁸ Consequently, any type of compensation “implies, at least in its general interpretation, the commission of some wrongful act.”¹⁷⁹

Webster also assessed the possible effects expected from embracing the “right of visit.” Here he discussed an instance, already outlined by Senator Rives, of a legitimate American vessel, involved in lawful commerce, which chose not to be apprehended, and opposed a visit. Because any resistance to the belligerent “right of search” suffered the punishment of capture and condemnation, what would happen to this vessel? In response to this question, Webster argued that there was no distinguishable difference between the two, because a simple inspection of papers, without a supplemented examination of the crew, the vessel, and its cargo, a visit became useless.¹⁸⁰ Ultimately, he concluded that the Royal Navy had “no right at all to detain an American merchant-vessel. This Lord Aberdeen admits in the fullest manner.”¹⁸¹ Any “detention of an American vessel by a British cruiser is therefore a wrong, a trespass; although it may be done under the belief that she was a British vessel...and the trespass therefore an involuntary trespass.”¹⁸² Although compensation was guaranteed in cases such as this, a mere payment was not sufficient enough to repair any serious damages or inconveniences caused because the “amount of loss cannot be always well ascertained. Compensation, if it be adequate in the amount, may still necessarily be long delayed.”¹⁸³ Besides, detentions such as these “produce nothing but ill effect on the amicable relations existing between the two

¹⁷⁸ Webster to Everett, March 28, 1843, in *BFSP*, 467.

¹⁷⁹ Webster to Everett, March 28, 1843, in *BFSP*, 467.

¹⁸⁰ Webster to Everett, March 28, 1843, in *BFSP*, 469.

¹⁸¹ Webster to Everett, March 28, 1843, in *BFSP*, 469.

¹⁸² Webster to Everett, March 28, 1843, in *BFSP*, 469-70.

¹⁸³ Webster to Everett, March 28, 1843, in *BFSP*, 470.

countries.”¹⁸⁴ In the end, the United States government, although it has not granted a mutual right of visit or search does not admit that, “by the law and practice of nations, there is any such thing as a right of visit, distinguished by well-known rules and definitions from the right of search.”¹⁸⁵

Although Webster’s interpretation of the treaty appealed to international law and practices already in place, no “right of visit” existed. More importantly, even if the current situation prompted the development of such a right in international law, resistance by the United States made any modification of the laws impossible. Aberdeen recognized the validity of the argument, although Great Britain did not renounce their claim until 1858. After conveying the message to the Foreign Office, in an official dispatch dated April 27, 1843, Foreign Minister Everett wrote Webster, recounting the Foreign Secretary stating “he agreed with you in denying, that there is any distinction between a right of visit and right of search.”¹⁸⁶ On the same day, Everett sent a private letter to Webster, which further detailed Aberdeen’s response. Here Everett illustrated how Aberdeen saw the treaty as an “excellent document,” which should not be altered.¹⁸⁷ Moreover, Aberdeen “concurred with [Webster] in the proposition that there is no such distinction as that between a right of search and a right of visit, [also] that he did not

¹⁸⁴ Webster to Everett, March 28, 1843, in *BFSP*, 470.

¹⁸⁵ Webster to Everett, March 28, 1843, in *BFSP*, 470.

¹⁸⁶ Everett to Webster, April 27, 1843, cited in Hugh G. Soulsby, “The Right of Search and the Slave Trade in Anglo-American Relations,” *John Hopkins University Studies in Historical and Political Sciences* 51 (Baltimore: The John Hopkins Press, 1933), 99.

¹⁸⁷ Everett to Webster, April 27, 1843, Private, in George Ticknor Curtis, *Life of Daniel Webster*, vol. 2 (New York: D. Appleton and Company, 1870), 165.

agree with Sir Robert Peel on that point.”¹⁸⁸ Consequently, this memo demonstrated that the British Foreign Secretary acknowledged there was no difference between the “right of search” and the “right of visit,” although he could not publicly admit it. This admission demonstrated that Britain had made a significant foreign policy concession in an effort to get the United States to enforce their anti-slave-trading laws and end abuses of American colors.

Even though Aberdeen admitted that the treaty failed to add the “right of visit” to international law, the possibility of the Royal Navy stopping a ship flying American colors still existed. The only reason for this action to occur involved cases where vessels flew the American flag in hopes of fooling the British cruisers into thinking the ship did not belong to a nation that Great Britain had a “right to search” treaty with. Therefore, if detainment occurred, it happened not because of a right, but as a precaution. Yet, if the ship’s papers and crew proved its authenticity, then Britain paid reparations for the mistake. Although this was a tenuous solution, it remained acceptable only if trespasses remained few and irregular enough to not provoke dissent from the United States. However, this stability relied on the efficiency in which the United States performed its treaty obligations. The eighty-gun squadron implemented by the treaty had to regularly patrol the African coast, and if it accomplished this purpose, incidents between the Royal Navy and American merchant vessels would end. Nonetheless, if the treaty dissolved and abuses of the American flag resumed, British cruisers would unavoidably become

¹⁸⁸ Everett to Webster, April 27, 1843, Private, in George Ticknor Curtis, *Life of Daniel Webster*, vol. 2 (New York: D. Appleton and Company, 1870), 165.

entangled in maritime disputes. Ultimately, America's African Squadron had to subdue abuses of the American flag, which would in turn confine the British Navy to its "proper" sphere: namely, policing British ships and shipping lanes.

Although British naval interferences occurred very rarely after 1842, a few incidents arose before the signing of the treaty, but they were quickly settled. After 1842, only one case contesting British visitation occurred before 1857.¹⁸⁹ In January 1843, the *Rhoderick Dhu*, an American ship, was seized on the African coast. Three other cases also transpired during this time, but one was aboard a Spanish ship, while the others had entered British territorial waters, making their capture legal.¹⁹⁰ Due to the infrequency of incidents, President Tyler, after his presidency in 1858, while discussing the "right of visit," stated, "I would have *fought* against the claim, if after the treaty it had been exercised; but notwithstanding Peel's bluster, the treaty, during my term, and for years after, extinguished the practice."¹⁹¹ Ultimately, Great Britain's foreign policy of abolitionism, through the Webster-Ashburton Treaty, ends up not only forcing the United States to enforce its anti-slaving laws, but also contributed to an important shift in international law *de facto* if not *de jure*—there would be no more arguments for the "right to search" or "right of visit" from Great Britain.

¹⁸⁹ Christopher Lloyd, *Navy and the Slave Trade: The Suppression of the African Slave Trade in the Nineteenth Century* (London: Frank Cass & Co., 1968), 56.

¹⁹⁰ Calhoun to Everett, December 12, 1844; McLane to Buchanan, September 18, 1845; Bancroft to Buchanan, May 5, 1848, cited in cited in Hugh G. Soulsby, "The Right of Search and the Slave Trade in Anglo-American Relations," *John Hopkins University Studies in Historical and Political Sciences* 51 (Baltimore: The John Hopkins Press, 1933), 105.

¹⁹¹ John Tyler to Robert Tyler, August 29, 1858, in Tyler, *Times of the Tylers* (Richmond, Virginia: Whittet & Shepperson, 1885), 2: 241.

Although the eighth article had its flaws, the article was successful in its objectives because it demonstrated the change in international relations between Great Britain and the United States. By this time, the old American principle of freedom of the seas had ended. Britain's navy continued to be the major maritime police force for the slave trade; its position only strengthened with the enumeration of an effective "right of search" power. Although never agreeing to the "right of search" or the "right of visit," the United States consented to maintain a force of eighty guns to stop abuses of the American flag. So friendly were relations between Great Britain and the United States after the signing of the Webster-Ashburton Treaty, that British Minister Henry S. Fox reported that during President Tyler's December 1843 address, he did not mention the disputes regarding the Webster-Ashburton Treaty. Instead, Fox maintained, "the excitement and irritation upon these subjects, amongst the people of the United States at large, subsided."¹⁹² The danger of the "same excitement being again raised" over those issues had dissipated.¹⁹³ Ultimately, the Webster-Ashburton Treaty temporarily ended the long dispute between Great Britain and the United States over issues of "right to search" and "right to visit," along with addressing slavers' abuse of the American flag.

The negotiations between Great Britain and the United States that transpired around the treaty illustrated major shifts in international relations regarding both countries. Until the passage of the treaty, the U.S. Navy had an occasional presence off the coast of Africa. It was only after 1842, that an increase in activity occurred, but the

¹⁹² Fox to Aberdeen, December 13, 1843, cited in Soulsby, "The Right of Search,"106.

¹⁹³ Fox to Aberdeen, December 13, 1843, cited in Soulsby, "The Right of Search,"106.

location of the main base in the Cape Verde Islands often led to long stretches of time without an American presence off the major ports of embarkation. Consequently, the lack of an American presence allowed slaving vessels the opportunity hoist American flags when they encountered British cruisers. This absence did represent a major limitation in the global effort to end the slave trade, but the United States' willingness to assign a permanent force to police the trade off the coast of Africa demonstrated a change in American attitudes towards the international slave trade. Although this about-face in the United States' position resulted from several embarrassing cases where American vessels were captured by British cruisers violating American laws, enforcement and punishment of American citizens involved in the trade increased. At the same time, abuses of the American flag decreased.

Along with agreeing to establish a stable African Squadron and reduce the use of American colors to avoid detainment by the Royal Navy, the Webster-Ashburton Treaty demonstrated Whitehall had made the decision to take a harder stance than it had previously against the United States because of continued abuses of American anti-slaving laws. On the high seas this resulted in British cruisers detaining vessels adorned with American colors and, on certain occasions, escorting captured ships to U.S. ports. Furthermore, Whitehall continued to criticize the U.S. government's failure to enforce the nation's anti-slave-trading laws. Of course these denunciations aroused the ire of Peel and Aberdeen's counterparts in the United States. In the end, both countries' rhetorical posturing regarding the slave trade devolved into mere saber-rattling because the negotiators of the treaty had to make concessions.

Although Great Britain and the United States publicly drew a line in the sand over issues involving the policing of the slave trade, at the negotiating table both Foreign Minister Ashburton and Secretary of State Webster were willing to sacrifice to a certain extent each nation's anti-slavery principles for the "greater good" of global commerce.¹⁹⁴ In their initial discussions, subjects such as the "right of search," "right of visit," and impressment were avoided due to the controversial history associated with each topic. However, the bravado of each nation's leaders and representatives forced these issues to the forefront of international politics and debates. Luckily, both men's determination to reach a successful compromise permitted them to encourage their prospective leaders to privately relax each nation's stance on these issues. On the one hand, Great Britain's leadership acknowledged that the practice of impressing sailors on the high seas did not fit with the laws of Britain nor its navy. Moreover, Whitehall agreed to pay reparations to the United States if the Royal Navy mistakenly detained an American merchant vessel. Both of these concessions demonstrated that Great Britain's foreign policy of abolitionism had reached the limit of its capacity to influence policymaking. On the other hand, the American government agreed to send a squadron comprised of eighty-guns to patrol the African coast in an effort to end abuses of the American flag and assist in policing the slave trade. The United States' willingness to sign the treaty, as Matthew Karp asserts, demonstrated how pro-slavery leaders utilized the "most forceful possible diplomacy short of actual war" in an effort to "combat

¹⁹⁴ Chambers, *No God But Gain*.

British antislavery.”¹⁹⁵ American leaders, in other words, feared the potentially devastating effects a war with their largest trading partner might produce. More importantly, it illustrates that America’s foreign policy of slavery was malleable enough to accommodate Britain’s foreign policy of abolitionism and its demands regarding the slave trade, so long as that compromise protected the U.S.-Anglo trade agreements. This flexibility did not mean U.S. slaveholders relaxed their efforts against British abolitionism. For the time being, however, the two most powerful nations within the Atlantic basin had reached a compromise. A compromise that Southern slaves ultimately paid the price: peaceful Anglo-American relations facilitated the flow of cotton and capital, which meant misery for millions of U.S. slaves.

¹⁹⁵ Karp, *Vast Southern Empire*, 56.

CHAPTER V

CONCLUSIONS

After the British Empire abolished its own slave trade in 1808, it adopted a foreign policy of abolitionism, thereby initiating a decades-long struggle to police the African slave trade, and, more importantly, end international involvement in the trade through diplomatic negotiations. By 1823, the French, Spanish, and Portuguese empires had shrunk considerably because of war and revolution, causing colonial slavery to decline in most places save for Brazil (which became independent from Portugal in 1822), Cuba and Puerto Rico, Texas, and the Southern United States. While Great Britain was not the only nation to abolish their trade in 1808 (the American slave trade officially ended at the same time), Great Britain became the leading promoter of abolitionism abroad through its efforts to end the trans-Atlantic slave trade. Yet, this monumentally difficult mission met immense opposition at every turn because both the slave trade and slavery had become essential to the economic success of those nations still engaged in the trading and enslavement of human beings.

By the mid-1830s and early 1840s, Great Britain had successfully advanced its mission to end the trans-Atlantic slave trade by utilizing the foreign policy of abolitionism through a series of treaties with several nations. The Anglo-Spanish Treaty of 1835 declared the Spanish slave trade “totally and finally abolished,” but more importantly, included the equipment clause allowing “visit” and condemnation of

merchant-vessels if specific equipment appeared onboard.¹ In 1842, several years after the Texas Revolution, Great Britain signed a treaty with the budding Texas Republic granting a reciprocal “right of search.” In the same year, the Webster-Ashburton Treaty created the United States’ African Squadron, a flotilla which added to Great Britain’s naval presence once it was deployed to the African coast. These achievements illustrate that the slave trade had reached a critical-juncture in its history because Great Britain had gained permission to search the vessels of most nations if suspected of slaving. And Britain, moreover, was no longer alone in policing the trade. Ultimately, Great Britain’s foreign policy of abolitionism achieved a major victory, but that triumph was tested at every turn.

Confronting the Sugar Colony: Britain, Spain and the Cuban Slave Trade

When Spain signed the Treaty of 1835, it threatened Cuba’s supply of slaves by placing a target on all vessels and slavers using the Spanish flag. In 1835, the same year of the treaty, the Spanish trade to Cuba had reached an all-time high, landing 24,959 slaves on the island.² Therefore, the Anglo-Spanish treaty came at time when the slave trade to Cuba was not only flourishing but expanding. The British West African Squadron saw the new treaty as a blessing because the agreement expanded its authority immensely. Between 1830 and 1835, the Royal Navy captured an average of ten Spanish

¹ Treaty between His Majesty and the Queen Regent of Spain, during the Minority of her Daughter, Donna Isabella the Second, Queen of Spain, for the Abolition of the Slave Trade—Signed at Madrid, June 28, 1835, in *British and Foreign State Papers, 1834-1835* (London: James Ridgway and Sons, 1852), 344, 351-3. [Here after referred to as *BFSTP*.]

² “Slave Trade to Cuba Under Spanish Flag, 1830-1866,” accessed September 30, 2017, <http://slavevoyages.org/estimates/wlNkId6y>

slaving vessels a year, all with slaves onboard.³ Once the treaty took effect, the squadron's average rose to thirty-five between 1835 and 1839.⁴ Thus, the numbers of slaves transported to Cuba gradually declined throughout the end of the 1830s, with only one increase occurring in 1838.⁵ This begs the question: why did Whitehall send David Turnbull to Cuba?

As the data illustrates the trade to Cuba fell very slowly after the passage of the 1835 treaty because Spain continued to protect the slave trade. This slow decline also spoke to both the ingenuity of slave traders who found loopholes in the treaty and the Spanish commissioners on the Court of Mixed Commission who dragged their feet on the question of enforcement. The actions and inaction taken by Spain, the slavers, and commissioners, set the stage for Foreign Secretary Palmerston to send an ardent abolitionist to Cuba—David Turnbull. Although his tenure as Consul and Superintendent of Liberated Africans was short, the slave trade decreased drastically during Turnbull's time on the island. In 1840, when Turnbull arrived, approximately 17,739 slaves entered Cuba, but when he departed in 1842, the amount had fallen to 4,739.⁶ However, Whitehall could only let Turnbull and the foreign policy of abolitionism go so far. In late 1842, after losing his consulship and leaving Cuba, Turnbull's quest to end the slave trade revealed the limits of Great Britain's commitment to abolitionism.

³ David R. Murray, *Odious Commerce: Britain, Spain, and the Abolition of the Cuban Slave Trade* (Cambridge: Cambridge University Press, 1980), 101.

⁴ Murray, *Odious Commerce*, 101.

⁵ "Slave Trade to Cuba Under Spanish Flag, 1830-1866," accessed September 30, 2017, <http://slavevoyages.org/estimates/wlNkId6y>

⁶ "Slave Trade to Cuba Under Spanish Flag, 1830-1866," accessed September 30, 2017, <http://slavevoyages.org/estimates/wlNkId6y>

Throughout his tenure as Consul, Turnbull attempted to investigate reports that free Africans had been abducted from the Bahamas and enslaved in Cuba. After arriving in Nassau, Turnbull recommenced his investigation where he learned that British subjects in an area between Gibara and Holguin, commonly known as English Cuba, had received and re-enslaved several hundred Bahamian freed-people to work their plantations. Prompted by the hope of restoring liberty to former British slaves, Turnbull deceived the son of the Spanish Consul in New Providence into giving Turnbull his passport. Afterwards, he chartered a sloop captained by a former smuggler and crewed partly by free blacks. In October 1842, less than two months after his departure, Turnbull landed in the city of Gibara near Matanzas. An Englishman in the area recalled that the former consul's visit was "strange [and] it did a great deal of harm by unsettling the negroes."⁷ Already on the lookout for him, the Cuban authorities immediately seized Turnbull, his black servant, and their belongings. They sent them to Holguin, where the Lieutenant-Governor informed Captain-General Valdes. Valdes then had both men transferred to Havana. Once in Havana, a subsequent investigation found Anabaptist literature from the Baptist Missionary Society referencing Leviticus 25:10, which spoke of proclaiming liberty throughout the land.⁸ The discovery of these materials reaffirmed Spanish fears that Turnbull, having no official post, had chosen to return to Cuba to spread his rebellious doctrines and plan a violent slave revolution. Disturbed by

⁷ J. G. Taylor, *The United States and Cuba: Eight Years of Change and Travel* (London; Richard Bentley, 1851), 284.

⁸ Luis Payne to Valdes, November 3, 1842, cited in Robert L. Paquette, *Sugar Is Made with Blood: The Conspiracy of La Escalera and the Conflict between Empires Over Slavery in Cuba* (Middletown, Conn.: Wesleyan University Press, 1988), 155.

Turnbull's initial visit and fearful of another, sixteen immigrant planters from the United States and the British West Indies, residing in the area where Turnbull had landed, petitioned the Captain-General for protection from the British threat.⁹ Even the British Consul Crawford saw Turnbull's actions as problematic, but the formidable abolitionist, never faltering in his crusade, insisted the Spanish government compensate him for his imprisonment. Although the Foreign Office did not support Turnbull's demands, considered his conduct inexcusable, and were suspicious of him, Aberdeen expressed his regret for Turnbull's suffering in a later letter to the abolitionist.¹⁰

While in prison, another incident occurred further solidifying Turnbull's reputation as an instigator to the Cuban officials. Spanish authorities arrested the British mulatto Mitchell who claimed Turnbull as his protector. During his trial, the Cuban Military Commission discovered that Mitchell came from Africa, not the British West Indies.¹¹ Crawford intervened on Mitchell's behalf, arguing that there was no evidence

⁹ Valdes forwarded all of these demands to the Minister of Foreign Affairs, enclosed in Valdes to the Minister of Foreign Affairs, no. 187, November 30, 1842, cited in Murray, *Odious Commerce*, 157.

¹⁰ Foreign Office Memorandum, January 16, 1843; Turnbull to Aberdeen, February 13, 1843; Aberdeen to Turnbull, draft, March 15, 1843, F. O. 72/635. The story of Turnbull's departure, his return, and arrest in Cuba was documented in a multitude of sources. See Crawford to Bidwell, no. 38, November 5, 1842, F. O. 84/401; Crawford to Bidwell, May 7, 1843, F. O. 72/634; Valdes to the Minister of Foreign Affairs, no. 181 & 185, November 30, 1842, cited in Murray, *Odious Commerce*, 156; David Turnbull, *The Jamaica Movement, for Promoting the Enforcement of the Slave-Trade Treaties, and the Suppression of the Slave-Trade: With Statements of Fact, Convention, and Law: Prepared at the Request of the Kingston Committee* (London: C. Gilpin, 1850), 221-31; Turnbull Testimony at Select Committee of House of Lords, May 7, 1850, *Report from the Select Committee of the House of Lords on the African Slave Trade* (1850), 590, IX, paras. 810-18; *British and Foreign Anti-Slavery Reporter*, October 19, 1842; *British and Foreign Anti-Slavery Reporter*, December 14, 1842; *The Daily Picayune* (New Orleans), November 13, 1842; Turnbull to Crawford, September 17, 1842, F. O. 313/33; Crawford to Bidwell, February 6, 1843; Crawford to Aberdeen, May 4, 1843; Crawford to Bidwell, May 7, 1843; Crawford to Aberdeen, May 20, 1843, F. O. 72/634.

¹¹ Valdes to the Minister of Foreign Affairs, no. 196, December 6, 1842, cited in Murray, *Odious*, 157.

pointing to the mulatto's involvement in seditious activities.¹² Nevertheless, the Spanish sentenced Mitchell to death on the charge of inciting insurrection among the slaves. Although later commuted to life imprisonment, Mitchell's association with the British and Turnbull resulted in this harsh sentence. Valdes utilized the case of Mitchell as evidence to support his unbreakable conviction that Turnbull needed to leave the Caribbean permanently. No matter where Turnbull resided in the West Indies, "he will not give up his plans and in spite of constant vigilance he might succeed sometime in an unforeseen manner."¹³ The Captain-General's colleagues at the Ministry of Marine and Colonies in Madrid agreed and they prepared to authorize Valdes to try and sentence Turnbull according to Spanish law "with the appropriate penalty, even if it is the ultimate" should the abolitionist ever come to Cuba again.¹⁴ The Ministry of Foreign Affairs suggested that the threat of death be omitted because they did not want colonial officials to execute a former British consul, which would undoubtedly bring the full weight of Britain down on Spain.¹⁵

Luckily for Turnbull, since he had no official position, his trial ended with his permanent expulsion from Cuba. In fact, the passport issued to Turnbull by the Spanish Vice-Consul at Nassau saved his life because the European population had pressured Valdes to execute him. Valdes labeled Turnbull's actions as subversion because they

¹² Crawford to Bidwell, January 6, 1843; Crawford to Bidwell, no. 20, May 5, 1843, F. O. 72/634.

¹³ Valdes to the Minister of Foreign Affairs, no. 196, December 6, 1842, cited in Murray, *Odious Commerce*, 157.

¹⁴ Minister of Marine and Colonies to the Minister of Foreign Affairs, January 14, 1843, cited in Murray, *Odious Commerce*, 157.

¹⁵ Minister of Foreign Affairs to the Minister of Marine and Colonies, January 27, 1843, cited in. Murray, *Odious Commerce*, 157.

went “against the social order of the island of Cuba.”¹⁶ Specifically, Turnbull wanted to “introduce disorder among the slave gangs on the estates,” which by his own “declaration ‘that many others had a right to their liberty,’” might cause the slaves to rise up in rebellion.¹⁷ Disregarding his own desire to execute Turnbull, Valdes, to his subsequent expense, banished the abolitionist from Cuba. But Valdes warned that if Turnbull returned, “he will be dealt with as a disturber of the public peace.”¹⁸ “Thousands turned out to see the fellow off” as Spanish officials escorted Turnbull to the steamer *Thames* on November 6. Allegedly before his departure, Turnbull promised that he would “yet be martyred to the cause.”¹⁹ Crawford wrote to the Foreign Office after Turnbull left Cuba, asserting “[Turnbull] will not long be still where he is but will meddle with what does not concern him very soon or make some exaggerated and offensive misrepresentation of someone or something which will give trouble.”²⁰ Since he still had powerful allies in Great Britain, Foreign Secretary Aberdeen did not concede to Spanish wishes and recall Turnbull to London. Instead, he gave Turnbull a judgeship, where he served seven years, on the Court of Mixed Commission in Jamaica in accordance with an Anglo-Portuguese anti-slave trade treaty. Because of this appointment, Spanish agents closely monitored Turnbull’s activities. Although Aberdeen

¹⁶ The judgment of a government legal advisor, signed by Valdes on November 5, 1842, in *Boletin del Archivo Nacional* (Havana) 67 (January-December 1974), 123-25, cited in Paquette, *Sugar Is Made with Blood*, 156.

¹⁷ The judgment of a government legal advisor, signed by Valdes on November 5, 1842, in *Boletin del Archivo Nacional* (Havana) 67 (January-December 1974), 123-25, cited in Paquette, *Sugar Is Made with Blood*, 156.

¹⁸ The judgment of a government legal advisor, signed by Valdes on November 5, 1842, in *Boletin del Archivo Nacional* (Havana) 67 (January-December 1974), 123-25, cited in Paquette, *Sugar Is Made with Blood*, 156.

¹⁹ Paquette, *Sugar Is Made with Blood*, 156.

²⁰ Crawford to Bidwell, May 7, 1843, F. O. 72/634.

did not remove Turnbull from the Caribbean, he did abolish the office of Superintendent of Liberated Africans.²¹ Yet, even with this concession, the Spanish government, hearing of Turnbull's move to Jamaica and fearing the worst, recommenced their movement to have Aberdeen remove Turnbull from the Antilles.²² Valdes saw no other reason for Turnbull's move to Jamaica "than his definite mission to cause insurrection in this island in order to carry forward his abolitionist ideas."²³ However, the Spanish authorities did not know that Aberdeen had warned Turnbull to be mindful of his actions once he arrived in Jamaica. In a November 1842 letter to Turnbull, acknowledging his "zeal" to end the slave trade and the reasoning behind his removal from Cuba, Aberdeen informed Turnbull of his intentions to give "the first suitable employment" opportunity to him, but with one caveat.²⁴ Aberdeen asserted that Turnbull's new post necessitated "calmness, impartiality, and discretion in your conduct. [Furthermore] the absence of these qualities, in your former Office, have sometimes been noticed by my Predecessor, as well as by Myself."²⁵ Having Turnbull in Jamaica was hardly any better than him being in Havana,

²¹ Spanish Ambassador (London) to the Minister of Foreign Affairs, no. 251, January 12, 1843, cited in Murray, *Odious Commerce*, 158; Philip S. Foner, *A History of Cuba, and Its Relations with the United States*, 2 vols. (New York: International Publishers, 1962), 1:211; Arthur F. Corwin, *Spain and the Abolition of Slavery in Cuba, 1817-1886 (Latin American Monographs, No. 9)* (Austin, Texas: Institute of Latin American Studies / UT Press, 1967), 77.

²² Betancourt to Del Monte, April 2, 1843, in *Academia de la Historia, Centon epistolario de Domingo Del Monte*, 7 vols. (Havana, 1923-57), 5:93.

²³ Valdes to the Minister of Foreign Affairs, no. 222, March 31, 1843, cited in Murray, *Odious Commerce*, 158.

²⁴ Aberdeen to Turnbull, November 15, 1842, London, Aberdeen Papers, British Museum. Turnbull had written Aberdeen before, requesting either another posting or compensation. He proposed be made the Lieutenant-Governor of a West Indian island, or, be sent to Peru as Consul with authority to negotiate the transfer of the guano islands. Turnbull to Aberdeen, March 26, 1842, F. O. 72/608; Turnbull to Sturge, April 12, 1842, *British and Foreign Anti-Slavery Society Papers*, C 110/56; Turnbull to Sturge, June 14, 1842, C 110/57.

²⁵ Aberdeen to Turnbull, November 15, 1842, London, *Aberdeen Papers*, British Museum.

which meant Turnbull's transfer had done nothing to ease mounting Cuban anxieties of British abolitionism.

In March 1843, the slaveholders' greatest fears came to fruition when a massive slave rebellion erupted in Matanzas, the center of Cuba's slave-based sugar economy. The uprising was quickly and violently put down, but it inaugurated a massive wave of unrest and repression in 1844: the so-called conspiracy of *La Escalera*. Because of widespread repression and violence in 1844, the entire year has been labeled el Año del Cuero—the Year of the Lash—in Cuban history. Although Turnbull had been forcibly removed and *La Escalera* ushered in a period of unprecedented brutality in Cuba, it is important to examine the number of slaves taken to Cuba in the years during these events and after. In 1843 and 1844, the slave trade brought 8,012 and 9,897 slaves into Cuba following Turnbull's departure and during the Year of the Lash.²⁶ However, the numbers dropped to 2,865 in 1845, and to their lowest point ever in 1846, when only 432 slaves entered the sugar colony.²⁷ While Turnbull was not singlehandedly responsible for this significant drop, his presence became a catalyst to the Cuban abolitionist movement by tapping into long-standing grievances and abolitionist sentiment among Cuba's population of enslaved people. More importantly, the drop in the amount of slaves to Cuba after the Anglo-Spanish treaty in 1835, even though there were increases in certain years, demonstrates that Great Britain's foreign policy of abolitionism had

²⁶ "Slave Trade to Cuba Under Spanish Flag, 1830-1866," accessed September 30, 2017, <http://slavevoyages.org/estimates/wlNkId6y>

²⁷ "Slave Trade to Cuba Under Spanish Flag, 1830-1866," accessed September 30, 2017, <http://slavevoyages.org/estimates/wlNkId6y>

succeeded in Cuba during the 1830s and 1840s. However, this tremendous achievement had its limits because 1846 marked the end of diminished slave importations into Cuba. The following year initiated several years of intensified slave trading, and the numbers increased every year, but one until 1859.²⁸ Ultimately, the foreign policy of abolitionism had to wait nearly three decades after Turnbull left Cuba to see the slave trade end in Cuba.

Texas Joins the Union: Britain and Charles Elliot's Failure to Thwart Texas' Annexation

The Mexican Constitution of 1824 combined the provinces of Texas and Coahuila, after the successful conclusion of the Mexican War of Independence in September 1821, forming the state Coahuila y Tejas.²⁹ Due to the lack of residents, the Mexican government relaxed previously stringent immigration policies, which in turn allowed Anglos from the United States to legally migrate to the region. These new immigrants mostly came from the southern United States, resulting in an influx of slaves in Texas. By bringing their slaves and families with them, white Southerners quickly outnumbered the Tejanos (Mexican-born residents of Texas).³⁰ As the 1820s ended, the region teetered on the brink of rebellion because in 1829 the Mexican government

²⁸ "Slave Trade to Cuba Under Spanish Flag, 1830-1866," accessed September 30, 2017, <http://slavevoyages.org/estimates/wlNkId6y>

²⁹ Josefina Zoraida Vazquez, "The Colonization and Loss of Texas: A Mexican Perspective," in *Myths, Misdeeds, and Misunderstandings: The Roots of Conflict in U.S.-Mexican Relations*, Latin America Silhouettes (Wilmington, Delaware: Rowman & Littlefield Publishers, 1997), 51; Martha Menchaca, *Recovering History, Constructing Race: The Indian, Black, and White Roots of Mexican Americans*, Joe R. and Teresa Lozano Long Series in Latin American and Latino Art and Culture (Austin: University of Austin Press, 2001), 161-2.

³⁰ David J. Weber, *The Spanish Frontier in North America*, Yale Western Americana Series (New Haven, Connecticut: Yale University Press, 1992), 166; Menchaca, *Recovering History, Constructing Race*, 164.

abolished slavery in the republic.³¹ In response to possible revolt, President Anastasio Bustamante implemented the Laws of April 6, 1830, which banned further immigration to Texas from the United States, but, more importantly, reiterated the abolition of slavery.³² Because no effective enforcement mechanism existed to impose the new statutes, settlers either circumvented or ignored the laws, resulting in the population of Anglos in Coahuila y Tejas reaching about 30,000 by 1834.³³ Furthermore, the slave population reached nearly 5,000 by the end of 1835.³⁴ Continued unrest and the eventual governmental crackdown led to the outbreak of the Texas Revolution, which concluded with the founding of the Republic of Texas in 1836.

Once Texas gained its independence, the fledgling nation's constitution quickly legalized the institution of slavery. However, the new government did outlaw the importation of slaves by sea, which slavers easily circumvented because Texas lacked an efficient navy. Violations of the anti-slaving law became so frequent that by the summer of 1837, Texas appealed to the United States to send cruisers to police the coast in response illegal slave importations. The U.S. government obliged and sent a naval squadron to the Gulf of Mexico to stop the flow of slaves into Texas and the United States from Cuba. Although the Texas constitution ended the slave trade by sea and the U.S. squadron aided in ending the illicit trade, the constitutional stipulation and naval

³¹ J.R. Edmondson, *The Alamo Story: From Early History to Current Conflicts* (Plano, Texas: The Republic of Texas Press, 2000), 80.

³² Menchaca, *Recovering History, Constructing Race*, 200.

³³ Menchaca, *Recovering History, Constructing Race*, 201.

³⁴ Edward E. Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic Books, 2014), 266.

enforcement did not forbid the introduction of slaves into Texas by overland routes.³⁵

Therefore, the slave population in Texas steadily increased until the republic joined the Union in 1845, even though Great Britain had gained the “right of search” on Texas vessels and the charismatic *charge d’affaires* Charles Elliot had (at least temporarily) convinced Mexico to recognize Texas independence.

In February 1845, Elliot’s fear had come to fruition. It was at this time that the United States Congress approved the Brown Resolution, which authorized Texas annexation.³⁶ To further complicate matters on March 4, 1845, Jackson’s protégé James K. Polk assumed his position as the president of the United States. In his inaugural address, Polk claimed that annexation was a matter “belonging exclusively to the United States and Texas.”³⁷ At the time of his inauguration, it appeared that Polk would be the president who finally brought the Texas Republic into the Union. Texas experienced continued conflict with Mexico, Indians, and economic hardships; the republic had never completely succeeded in establishing itself as a power in the American Southwest. The vast majority of Anglo-Texans enthusiastically anticipated annexation, hoping that

³⁵ Memucan Hunt to John Forsyth, July 18, 1837; Forsyth to Hunt, July 24, 1837; Hunt to Forsyth, July 28, 1837; Forsyth to Hunt, July 31, 1837, in *Diplomatic Correspondence of the Republic of Texas in the Annual Report of the American Historical Association for the Year 1908*, 3 vols. ed. George Garrison (Washington, D.C.: Government Printing Office, 1908-11), 1:248-51. [Here after referred to as *BDC-RT*.]

³⁶ The Brown Resolution passed the House by a 120-98 margin, but in the Senate, the vote was much closer: 27-25. Furthermore, the resolution permitted Texas to keep its public lands, which allowed the debt-ridden republic to payoff its outstanding balances. More importantly, the boundaries of Texas were left undefined because both Mexico and Texas claimed land between the Rio Grande and the Nueces River. Sam W. Haynes, *Unfinished Revolution: The Early American Republic in a British World*, Jeffersonian America (Charlottesville: University of Virginia Press, 2010), 248.

³⁷ James K. Polk, “Inaugural address,” in *A Compilation of the Messages and Papers of the Presidents*, eds James D. Richardson (New York: Bureau of National Literature), 5:2230-1.

statehood would bring the capital and white immigration thought essential to the region's growth.

Several obstacles to the merging of the republics persisted. Mexican officials had warned that any effort by the United States to annex Texas, which it continued to assert as its own, would represent an act of war. Yet the most serious potential impediment, as far as the United States government was concerned, was the ambivalent position the republic's leaders took regarding the congressional resolution. Texas's president, Anson Jones, insinuated that he and the "Majority of the intelligent portion of this Community [preferred] the preservation of their separate National existence."³⁸ Furthermore, his predecessor, Sam Houston, whose associations with the British government provoked the Tyler administration into annexation talks in the first place, saw the annexation bill as a "source of great mortification and disappointment."³⁹

In 1844, the British government's actual (and perceived) attempts to entangle itself in the matters of the Texas Republic had produced in both Texas and the United States apprehension and suspicion of both the Peel government and its representative in Texas. Concern over British duplicity drove the annexation movement from the beginning, but by now it had become entrenched, invigorated by the commonly-held belief among American expansionists that Texas might be seized by Britain. Naturally, American Anglophobes embellished the magnitude of British influence. Yet, in Elliot they found confirmation of British malfeasance for which they had searched.

³⁸ Elliot to Aberdeen, December 28, 1844, F. O., Texas, Vol. 9, in *BDC-RT*, 398.

³⁹ Elliot to Aberdeen, December 28, 1844, F. O., Texas, Vol. 9, in *BDC-RT*, 398.

Since his initial arrival in August 1842, Elliot devoted all of his energy to promoting a stable and independent Texas. However, his efforts were unsuccessful because of Mexico's continued denial of the republic's sovereignty. Yet, by 1845 a major policy shift in Mexico City offered a glimmer of hope. The pro-annexation platform and outcome of the recent U.S. presidential election proved to Mexican president Santa Anna that the annexation of Texas was inevitable. In a final desperate move to avoid unification, he was finally prepared to acknowledge what had been evident for several years—that Texas was an independent republic and not a rebellious province of Mexico.⁴⁰ This surprising shift in policy offered the “Foreign Office reason to believe that, even at this late stage, the westward ambitions of the United States could still be thwarted.”⁴¹ Therefore, in late January, Elliot received new directives from London, requesting him to convince the Texas government to “abstain from any act on their part” regarding annexation until Mexico's new stance could be investigated.⁴²

Aware of the Brown Resolution, Elliot made his way to Washington-on-the-Brazos accompanied by the French minister, Alphonse Dubois de Saligny. Upon their arrival, they met with President Anson Jones, who decided to postpone action on the impending U.S. offer for ninety days.⁴³ The arrangement, known as the Jones Memorandum, allowed the two European powers time to acquire recognition of Texas's

⁴⁰ Bankhead to Aberdeen, November 29, 1844, enclosed in letter from Aberdeen to Elliot, January 23, 1845, F. O., Texas, Vol. 21, in *BDC-RT*, 433-6.

⁴¹ Haynes, *Unfinished Revolution*, 254.

⁴² Aberdeen to Elliot, January 23, 1845, F. O., Texas, Vol. 21, in *BDC-RT*, 430-1.

⁴³ Elliot to Aberdeen, April 2, 1845, F. O., Texas, Vol. 13, in *BDC-RT*, 465-6.

sovereignty by the Mexican government.⁴⁴ Because Britain had advocated regularly that Mexico recognize the independence of Texas, the proposition itself was not especially notable. Yet, the way in which the agreement was transmitted to Mexico City rose alarm. Convinced that the situation called for drastic measures, Elliot proposed to carry the memorandum to its government himself. These actions alone represented a serious departure from his directives, but Elliot went further and recommended a plan that was dramatic. He would travel to Mexico City anonymously and, with the British minister there, acquire Mexico's official endorsement of Texas's independence. Not paying attention to the political climate, Elliot believed that the republic would willingly reject the United States annexation offer if it had nothing to fear from Mexico.

Although Elliot thought his plan would be successful, his superiors in London were cognizant of the political atmosphere and knew that even the smallest indication of British meddling would be enough to propel American expansionists into bouts of apoplexy. Aberdeen and the prime minister suspected the mission would not stay secret for long, and if exposed would cause greater damage to British interests in the western hemisphere than if Elliot had done nothing. If known to the public, Elliot's intrigues would electrify the passions of American Anglophobes who had always suspected Britain of interfering in their affairs. However, both Peel and Aberdeen failed to restrain their overzealous consul, who had already put his plan into motion. After meeting with

⁴⁴ The memorandum also included the following stipulations. First, Texas had to agree to not annex or become a subject of another country. Second, the Texas Republic had to remit disputed points respecting territory and other matters of arbitration. Stanley Siegel, *A Political History of the Texas Republic, 1836-1845* (Austin, Texas: University of Texas Press, 1956), 248-9.

President Jones, Elliot returned to Galveston where, in discussions with the city's well-known citizens, he revealed his plans to travel to Charleston, South Carolina, to visit family. On April 5, Elliot embarked on his journey to the United States from Galveston Bay on the British ship *Electra*. Yet, once the ship was out of sight of land, the ambassador transferred to another British vessel, the *Eurydice*, a warship captained by his cousin, George Elliot. Six days later, the *Eurydice* arrived in Vera Cruz, where Charles Elliot, his face concealed by a large white hat, disembarked and, in the company of his cousin, rushed toward Mexico City.⁴⁵

As British officials feared, Elliot's plans went awry almost immediately. The pair's activities drew the attention of U.S. citizens in Vera Cruz, and by the end of the month, the State Department received word that "Capt. Elliot, the British agent," was in Mexico.⁴⁶ But Elliot was so meticulous in his planning and played the part so well that the State Department disregarded the report, presuming that the individual cited in the communication was George Elliot, the diplomat's relative. In the Mexican capital, however, events conspired against the Elliot. By the time they arrived, Mexican president Santa Anna had lost power and his replacement, Jose Joaquin Herrera, who lacked the public backing to begin any major policy initiatives of his own, submitted the Jones Memorandum to Congress. There it met stiff resistance from legislators still resentful over the loss of Mexico's northern territory. For three weeks it deliberated

⁴⁵ "War with the United States—General Almonte—Santa Anna and the Dictatorship—Texas and Trade," *New York Herald*, May 29, 1845; Frederick Merk, *Slavery and the Annexation of Texas* (New York: Alfred A. Knopf, 1972), 169.

⁴⁶ William S. Parrott to James Buchanan, April 19, 1845, quoted in Haynes, *Unfinished Revolution*, 256.

before consenting to the proposal, thus officially conceding, nine years after San Jacinto, that Texas was independent.

Yet back in the Republic of Texas, annexation, not continued independence, was the topic of discussion. After Elliot left Texas, support for the Brown Resolution began to crystalize, particularly considering continued—although, still ambiguous—reports that the Texian government was secretly cooperating with the British to sustain Texas's independence. By May, President Jones bent to the will of the people and called for a convention to be held on July 4 to vote on the United States' proposal. In the meantime, sightings of Elliot in Mexico continued to be received with skepticism in Texas and the United States. Even the *New Orleans Daily Picayune*, a newspaper always on the lookout for British duplicity, at first lent little credibility to these reports. Nevertheless, there was correspondence published from a reporter illustrating that the British diplomat truly *was* on assignment in Mexico and representing Texas. It was not until these reports were corroborated that the paper gave any official attention to the incident, supplemented by an editorial denunciation of British deception and scheming.⁴⁷ Elliot's cover had been blown.

By the time Elliot returned to Galveston at the end of May, he found the city wracked by turmoil regarding his secret mission. Newspapers that had previously ignored reports of Elliot sightings in Mexico now publicized any information on him, which further contributed to confusion and an aura of mystery to the affair. Furthermore,

⁴⁷ *New Orleans Daily Picayune*, May 21, 1845; *New Orleans Daily Picayune*, May 24, 1845, cited in Haynes, *Unfinished Revolution*, 256.

the *Texas National Register* asserted that the “‘Man of the White Hat,’ the mysterious agent, the secret Texian commissioner, was certainly [in Mexico], if he ever was anywhere.”⁴⁸ The identity of this enigmatic figure, who had been seen sporting a large white hat, became the topic of immense speculation in the Southern press. It would be several weeks before the Texas government disclosed that no Texas agent accompanied Elliot to Mexico; it was then that it became obvious that the now-infamous ‘man in the white hat’ was none other than Elliot himself.⁴⁹

In the end, Elliot’s melodramatic last-ditch effort to gain Mexican recognition for the Texas Republic had come too late to be afforded significant consideration by most Texans, whose minds by early summer of 1845 had been made up. They had never put much stock in Mexican peace proposals, particularly considering that country’s confrontational posturing since annexation discussions became public in the spring of 1844. Because of constant Mexican troop movements below the Rio Grande and speculations of an approaching invasion reported in the papers, few Anglo-Texans were motivated to view the initial accord Elliot brought back from Mexico as a satisfactory substitute for annexation.

Amidst the uproar caused by the British *charge d’affaires’* mission to Mexico, what little support there was for Texas’s independence disappeared. By this time, only the *Texas National Register* advocated for continued independence, noting that if “Elliot [had] procured our recognition from Mexico two years ago he might have defeated

⁴⁸ “The Man of the White Hat,” *Texas National Register* (Washington, Texas), July 17, 1845.

⁴⁹ Merk, *Slavery and the Annexation of Texas* (New York: Alfred A. Knopf, 1972), 170-72.

annexation for years to come.”⁵⁰ The editors also argued that Texans who saw any action taken by Great Britain as a threat misinterpreted Elliot’s actions. “Americans have one passion,” they wryly noted, “[which was their] jealousy of England; and Texans [inherited] it.”⁵¹ In mid-May the former Texas President Sam Houston openly professed his support for the Brown Resolution, contending that his friendship with Great Britain had all been purely a ploy and that he had “coquetted a little” with its government in an effort to rouse the jealousy of the United States.⁵² In May, the dying Jackson penned to his protégé in the white house, “all safe...I knew British gold could not buy Sam Houston.”⁵³

On the African Coast: The U.S. African Squadron Policies the Slave Trade

Once Great Britain and the United States agreed to the terms outlined in the Webster-Ashburton Treaty, President Martin Van Buren revived the U.S. naval patrols on the African coast. Matthew Perry was selected to lead the new force, which consisted of the flagship *Saratoga* and four other vessels. Although Perry had previously visited the coast in the 1820s, he had turned a blind eye to the evidence of slave trading, and, keenly, prevented ships flying American colors from being searched by British cruisers. Furthermore, Perry established the squadron’s base of operation in the Cape Verde Islands which, though offering a healthier climate than coastal Africa, was too far from

⁵⁰ *Texas National Register* (Washington, Texas), June 26, 1845.

⁵¹ *Texas National Register* (Washington, Texas), June 26, 1845.

⁵² “A Review of the Summer Campaign: A Speech at Houston in the Summer of 1845,” in Houston Writings, 6:12-13, quoted in Haynes, *Unfinished Revolution*, 257.

⁵³ Andrew Jackson to James K. Polk, May 26, 1845, in *Correspondence of James K. Polk*, ed. Herbert Weaver (Nashville: Vanderbilt University Press, 1969-1989), 410.

the centers of the traffic to be effective.⁵⁴ More importantly, none of the U.S. vessels were concerned with equipment clauses regarding the traffic. Instead, their primary mission revolved around protecting American trade, which the Secretary of Navy John Mason told Perry's replacement, Admiral Charles Skinner: "The rights of our citizens engaged in lawful commerce are under the protection of our flag. And it is the chief purpose, as well as the chief duty of our naval power, to see that those rights are not improperly abridged."⁵⁵ Ultimately, Perry and his successors lacked both abolitionist zeal and any official orders to effectively curtail the slave trade.

Eventually, Admiral Skinner succeeded Perry in 1844, and Captain Andrew Hull Foote replaced him in 1849. Nevertheless, after a while, the squadron's presence on the coast meant slave ships began to be captured by the United States. In 1845, the *Yorktown* seized the *Pons*, which had 896 slaves onboard. The following year, Lieutenant Bisham of the *Boxer* captured the *Malaga*, an auxiliary to the slave trade. The criminal case against it fell through, however, because no proof existed of slaving on the part of auxiliaries, which never carried slaves. The slaving vessel *Senator* also experienced detainment by Bisham, but was released. Eventually, the *Senator* took on 900 slaves, 300 of which died on the Middle Passage. In the end, the owners of the *Malaga* sued Bisham for false arrest. Therefore, naval officers had no incentive to energetically pursue the enforcement of anti-slaving laws. In spite of these obstacles, the Africa

⁵⁴ Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade, 1440-1870* (New York: Simon & Schuster, 1997), 727.

⁵⁵ Mason to Skinner, cited in Lawrence Cabot Howard, "American Involvement in Africa South of the Sahara, 1800-1860" (PhD dissertation, Harvard University, 1956), 118.

Squadron continued to patrol. In 1848, Lieutenant O.H. Berryman, on the *Onkahye*, detained the U.S. whaler *Laurens*. In the same year, Lieutenant Commander William W. Hunter of the *Allegheny*, seized the *Louisa* and *Juliet* although neither had slaves onboard. Ultimately, the United States' squadron captured twenty-eight slaving vessels between 1844 and 1854.⁵⁶

Even with this limited success, the American naval patrol was easily circumvented. In 1853, a British diplomat in Washington, John Crampton reported that “the United States naval officers are zealous enough in capturing slavers, but the force is so small.”⁵⁷ Furthermore, the “difficulty of getting slavers condemned by Admiralty courts when captured...is another encouragement to the slave traders.”⁵⁸ Crampton also argued that the guarantee of a conviction appeared “much greater in the northern states which profess abolitionism, than in the south, where slavery exists. However, northern shipbuilders interested in earning a profit from the slave trade, the minister maintained, continued to furnish “by far the greatest part of the vessels under whatever flag they afterwards sail.”⁵⁹ Between 1840 and 1845, sixty-four ships constructed in the United States were bought and sold in Rio alone and, during the same time, fifty-six vessels left or entered the same port for or from Africa.⁶⁰

⁵⁶ Thomas, *The Slave Trade*, 727-8.

⁵⁷ James J. Barnes and Patience P. Barnes, *Private and Confidential: Letters from British Ministers in Washington to the Foreign Secretaries in London, 1844-67* (Selinsgrove: Susquehanna University Press, 1993), 165.

⁵⁸ Barnes and P. Barnes, *Private and Confidential*, 165.

⁵⁹ Barnes and P. Barnes, *Private and Confidential*, 165.

⁶⁰ Thomas, *The Slave Trade*, 740.

Although Americans continued to furnish a large portion of the ships used in the slave trade, the United States Navy during the 1850s began to have some success detaining vessels engaged in the Cuba trade. In 1853-54, Commander Isaac Mayo of the *Constitution* detained the *Gambrill*, which was about to load a shipment of slaves. Then, in 1854, Lieutenant Richard Page, on the *Perry*, captured the *Glamorgan*. It was also in the 1850s, that both the Royal Navy and the United States Navy began a joint-cruising operation, even though “the flagships of the American and British squadrons on the coast in the years 1855, 1856, and part of 1857 met only once and that at sea.”⁶¹

In 1857, the quest against the slave trade experienced a renaissance. Between January 1857 and 1858, the Royal Navy captured twenty-one slavers, while American, Spanish, and even Portuguese patrols seized six.⁶² However, the British public once again pressed Whitehall to end the Cuban trade. On May 25, 1857, the *London Times* published an article arguing for the British government to implement a blockade of Cuba’s ports. Despite the British public’s renewed interest and condemnation of inaction regarding the Cuban slave trade, the Royal Navy, in April 1858, began harassing American vessels in Cuban waters, starting with the *Cortez*. By the end of May, British officials boarded 116 ships, of which sixty-one were American-owned. These drastic measures demonstrated to both northern and southern states that Great Britain had had enough of American involvement in the Cuban slave trade.

⁶¹ Thomas, *The Slave Trade*, 763.

⁶² Thomas, *The Slave Trade*, 763.

Great Britain's actions, before the outbreak of the Civil War, saw calls from southern slaveholders to reopen the slave trade to the United States. While ideas such as this were not new—the *Courier* had proposed it in 1839—it was not until the 1850s that the suggestion appeared with any regularity. In 1853, the editor of the *Standard*, Leonidas Spratt, and Robert Barnwell Rhett of the *Mercury*, in Charleston, advocated the trade's restoration. In 1856, the governor of South Carolina, James Hopkins Adams, began promoting the return of the African slave trade. In March of 1858, the Louisiana House of Representatives requested the importation of 2,500 free African apprentices. Similar ideas were presented in the Southern Commercial Convention in Vicksburg, Mississippi in 1859.⁶³ Ultimately, these proposals were ignored, even though the famous case of the *Wanderer* occurred in the late 1850s, and the African Squadron continued to operate.⁶⁴

From late 1859 to mid-1861, the United States Navy captured twenty-two slavers. However, these successes ended abruptly when the Civil War began in April 1861, which caused the African Squadron to withdraw from the African coast that summer. Although the squadron disbanded because of the Civil War, President Abraham Lincoln continued its legacy to end the American involvement in the African slave trade. After assuming office, Lincoln reinforced the long neglected U.S. Abolition Acts of 1807 and 1820, which effectively ended American capital, ships, and crews participating

⁶³ Thomas, *The Slave Trade*, 765. To see more arguments for the reopening of the American slave trade, see Ronald T. Takaki, *A Pro-Slavery Crusade: The Agitation to Reopen the African Slave Trade* (New York: Free Press, 1971); David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (Oxford, England: Oxford University Press, 2006), 268-96.

⁶⁴ Thomas, *The Slave Trade*, 766-86.

in the Cuban slave trade. Any Cuban aspirations for U.S. annexation to protect and preserve slavery ended. More importantly, the Washington Treaty was signed on June 7, 1862. The new Anglo-U.S. treaty granted Great Britain's navy a limited "right of search," contained an "equipment clause," similar to the one in the 1835 treaty with Spain, established Courts of Mixed Commission in New York and Sierra Leone, and, finally, permitted the Royal Navy to arrest slavers flying American colors.⁶⁵ In the end, this treaty gave Great Britain's squadron enough authority to effectively police the African coast. On the other side of the Atlantic, the Cuban administration and its Spanish counter parts in Europe, with pressure from Great Britain, were inclined to officially abolish the trade. Although small numbers of Africans continued to be shipped in vessels under false papers and colors in the early 1860s, the flow of these enslaved individuals dwindled to a trickle. Ultimately, by 1867, even those shipments ended.

Epilogue

In the end, assessing the effectiveness of Great Britain's foreign policy of abolitionism must be divided into two categories: one focusing on the foreign policy of ending the slave trade and the second, which emphasizes a foreign policy of abolishing the institution of slavery. As this dissertation has shown it is difficult to disconnect one from the other because both movements rested under the umbrella of abolitionism. However, it is imperative that scholars separate the two because actions taken to end the

⁶⁵ Christopher Lloyd, *Navy and the Slave Trade: The Suppression of the African Slave Trade in the Nineteenth Century* (London: Frank Cass & Co., 1968), 174; Thomas, *The Slave Trade*, 769-98; Peter Grindal, *Opposing the Slavers: The Royal Navy's Campaign Against the Atlantic Slave Trade* (London: I.B. Tauris, 2016), 753.

slave trade were much different from those to end slavery. After 1808, Great Britain began policing the slave trade in an effort to coerce or entice other nations to follow suit. Alternatively, those nations would give the British Royal Navy the authority to search and seize vessels guilty of or suspected of participating in the slave trade. By the 1820s, Great Britain and its international partners had established numerous Courts of Mixed Commission to adjudicate captured slavers. Nevertheless, as this dissertation illustrated neither the British nor their combined efforts with their allies were effective in suppressing the African slave trade. Consequently, Great Britain readjusted its foreign policy of abolitionism regarding the trade by directly attacking sovereign states in Africa and the Americas. Although Great Britain limited how far the assaults went, Whitehall did post abolitionist diplomats in those nations to promote anti-slavery, utilize its immense wealth to steer nations to policies of Britain's choosing, and maintain a fleet to police the slave trade.

When it came to promoting the abolition of slavery (as opposed to the transatlantic trade), Great Britain never used force to achieve this goal. Although numerous British representatives believed Great Britain could achieve this, specifically through trade policy, Whitehall never took any type of direct action as it had when trying to end the international traffic. Because African slaves had become so deeply entrenched in the commercial life of the western world and a crucial piece of the economies of Spain, Cuba, Texas, the United States, and, by proxy, Great Britain's textile industry, Britain could not successfully attack and end an institution so vital to its and those nations' economic survival. Therefore, slavery in each of these countries had to end on

its own, which typically occurred through violent civil strife or political turmoil. Yet, the abolitionist movements of the late eighteenth century and the nineteenth century eventually led to the end of slavery itself.

Throughout the 360-year history of the slave trade, nearly two-thirds of the forced African migration occurred after 1750. More importantly, as historian David Eltis rightly asserts, it was during the “last 115 years of [the trades] existence 7.8 million captives were carried from Africa across the Atlantic.”⁶⁶ The Portuguese and Spanish became the major facilitators of the trade after Great Britain’s Abolition Act of 1833.⁶⁷ The Netherlands, France, and the United States, even after the trade’s official abolition in 1808, played minor roles throughout the span of the trade.⁶⁸ While slight variations for departures occurred between 1740 and 1800, massive fluctuations transpired during the nineteenth century. Between 1829 and 1831, the traffic declined by almost four-fifths, and after rising again to nearly earlier levels, it plummeted again from 1849 to 1852 by 90 percent.⁶⁹ Finding these types of drastic variations, again, as David Eltis maintains, in any other “major commodity in the Atlantic world during this time” would be difficult whether it be sugar or coffee going to Europe and manufactured goods going to the Western Hemisphere.⁷⁰ Although fluctuations on that scale did not occur with those goods, the drastic increases and decreases in the number of Africans transported in slave trade developed because of one factor—Britain’s foreign policy of abolitionism.

⁶⁶ David Eltis, “Was Abolition of the U.S. and British Slave Trade Significant in the Broader Atlantic Context?,” *William and Mary Quarterly* 66, 3d Series, no. 4 (October 2009), 720.

⁶⁷ <http://www.slavevoyages.org/estimates/5G2zrLMN>

⁶⁸ <http://www.slavevoyages.org/estimates/X018PKYj>

⁶⁹ Eltis, “Was Abolition Slave Trade Significant,” 720-1.

⁷⁰ Eltis, “Was Abolition Slave Trade Significant,” 721.

By applying the foreign policy of abolitionism framework to the extreme variations in the number of slaves taken from Africa, it becomes quite clear that in certain years and decades, Great Britain's policy worked, but in others, it did not. Moreover, examining the ways in which Great Britain applied that foreign policy in diplomatic negotiations in different countries sheds light upon, not just on its failure or success, but also on how abolitionism became an integral part of Atlantic diplomacy during the nineteenth century. This method of analysis also illuminates what types of human trading and enslaving the foreign policy of abolitionism covered. During the time in which Great Britain utilized this foreign policy, an entirely different type of human traffic and enslavement coexisted alongside the African institutions. Furthermore, Britain's foreign policy of abolitionism became a mechanism by which abolitionism could counter the Southern United States' slaveholders' foreign policy of slavery.

Concrete attacks on the trade began with Denmark in 1803, although its involvement in the trade was miniscule, but, more importantly, in 1808 when Great Britain and the United States abolished their trades. The United States did continue its involvement in the illicit trade until 1862, which caused Great Britain to take the lead in policing slave trade. As the nineteenth century progressed Britain's foreign policy of abolitionism developed, which Britain eventually used as a hard power. According to Joseph Nye, hard power "is the ability to use the carrots and sticks of economic and military might to make others follow your will."⁷¹ On the one hand, if we apply this concept of hard power to the foreign policy of slavery, the "carrots" become Great

⁷¹ Joseph Nye, "Propaganda Isn't the Way: Soft Power," *International Herald Tribune* (January 10, 2003).

Britain's use of diplomatic recognition of Texas and its promises to protect Spanish-Cuba from American annexation, in return for ending or cracking down on slave trade violations. On the other hand, the "sticks" appeared when Great Britain sent abolitionists to spread abolitionism to Cuba and Texas. More importantly, the Royal Navy became Britain's major "stick" when it began to attack the sovereignty of nations violating anti-slaving laws, especially the United States, Spain, and Portugal. It was not until Great Britain took these actions that the African slave trade finally came to an end. However, one question, has plagued scholars since the study of abolition began: why did Great Britain abolish its trade, begin a global mission to end it, and, eventually, emancipate its 800,000 slaves? Ultimately, the Atlantic slave trade ended because changing social values deemed it morally wrong. But what we have neglected to study, and what this dissertation has worked to sketch out, were the ways in which countless abolitionists projected those values onto the world in the shape of a coherent foreign policy vision. Yet, once the foreign policy of abolitionism achieved its goal of ending the slave trade and, subsequently, the institution of slavery, it did not morph into a general humanitarianism or morality in foreign relations focusing labor. Instead, abolitionism and abolitionists shifted away from the forced-labor question to other political matters of the time, which allowed new coerced and semi-coerced labor systems to replace slavery, such as Chinese and Indian coolies and Native American apprenticeship. Therefore, it is naïve to conclude that abolitionism fundamentally redefined global perspectives on the laborers who cultivated the raw materials used to produce the commodities fueling consumerism.

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